

**REPORT OF THE**

**INDEPENDENT COMMITTEE OF EXPERTS**

**FOR THE REVIEW ON THE MANAGEMENT,**

**PLANNING AND CONDUCT OF ELECTIONS**

**MAY 2005**

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## ABBREVIATIONS

APRO, APROs	Assistant Presiding Officer, Assistant Presiding Officers
AR	Authorized Representative
ARO, AROs	Assistant Returning Officer, Assistant Returning Officers
CAB	Constitutional Affairs Bureau
Cap.	Chapter of the Laws of Hong Kong
CCC	Central Command Centre
CEO	Chief Electoral Officer
the Committee	the Independent Committee of Experts for the Review on the Management, Planning and Conduct of Elections
CTIL	Continuous Technologies International Limited
DC, DCs	District Council District Councils
DLO, DLOs	District Liaison Officer, District Liaison Officers
DPRO, DPROs	Deputy Presiding Officer, Deputy Presiding Officers
EAC	Electoral Affairs Commission

EAC (EP) (LC) Reg	Electoral Affairs Commission (Electoral Procedure)(Legislative Council) Regulation
the Election	the third term Legislative Council Election
FC, FCs	Functional Constituency, Functional Constituencies
GC, GCs	Geographical Constituency, Geographical Constituencies
the Guidelines	the Guidelines on Election-related Activities in respect of the Legislative Council Elections
HAD	Home Affairs Department
HKCEC	Hong Kong Convention and Exhibition Centre
HKID	Hong Kong Identity Card
HKITEC	Hong Kong International Trade and Exhibition Centre
IT	Information Technology
IVRS	Interactive Voice Response System
LegCo	Legislative Council
NCSC	Non-civil service contract
the Police	the Hong Kong Police Force
PRO, PROs	Presiding Officer, Presiding Officers

REO	Registration and Electoral Office
RO, ROs	Returning Officer, Returning Officers
SCA	Secretary for Constitutional Affairs
SIC	Statistical Information Centre
UAT	Users Acceptance Test

## **EXECUTIVE SUMMARY**

### **Background**

1. The third term Legislative Council Election (“the Election”) was held on 12 September 2004. On the polling day and the days after, there was wide media coverage about the election results and complaints relating to the polling and counting arrangements, including the shortage of ballot boxes for the election of Geographical Constituencies (“GCs”), use of cardboard boxes as temporary ballot boxes, opening of ballot boxes to rearrange the ballot papers inside the boxes, delay in the announcement of the election results, and discrepancies between the number of ballot papers issued and the number of votes in the final outcome for some Functional Constituencies (“FCs”).

2. In accordance with section 8 of the Electoral Affairs Commission Ordinance (Cap. 541), the Electoral Affairs Commission (“EAC”) submitted a report on the Election to the Chief Executive on 11 December 2004. In view of the public concern on the chaos on the polling day, an interim report was submitted by the Commission to the Chief Executive on 8 November 2004. The Interim Report has revealed a number of administrative and planning errors relating to the practical arrangements for the Election, and that there is room for improvement in the planning and conduct of elections. In view of this, the Chief Executive announced on 10 November 2004 that a non-statutory independent committee of experts would be set up to review the management,



planning and conduct of elections, and to make recommendations on improvement measures. We were subsequently appointed by the Chief Executive as members of the newly formed Independent Committee of Experts for the Review on the Management, Planning and Conduct of Elections (“the Committee”)<sup>1</sup> on 15 December 2004.

## **The Review**

3. We have taken the two reports compiled by EAC on the Election as the basis for our review and put our focus on the practical arrangements of the polling day and the associated management responsibilities with a view to drawing up recommendations to improve the management, planning and conduct of elections in future. During the review, we have received a total of 37 written submissions and met with five individuals and seven organizations, some of which on more than one occasion.

4. Based on the information collated, we have examined the major problems that led to the chaos on the polling day, and reviewed the problems from different management and operational perspectives with a view to establishing the major causes, and above all, working out practicable improvement measures. The problems examined by the Committee include the insufficient supply of GC ballot boxes and delay in the replenishment; stopgap measures implemented in some polling

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<sup>1</sup> The Committee is chaired by Dr. Daniel TSE Chi Wai and comprises Mr. Philip CHEN Nan Lok, Mr. Daniel LAI and Mr. Herbert TSOI Hak Kong coming from respectively, the management and logistics, information technology and legal fields.

stations pending the arrival of additional GC ballot boxes including opening of ballot boxes, use of cardboard boxes as ballot boxes and use of rulers etc. to press the ballot papers inside the ballot boxes; the overcrowding problem and prolonged queuing at some polling stations; long working hours of polling-cum-counting staff; eviction or exclusion of candidates or their agents from polling stations, problem in compilation of voter turnout figures; delay in announcement of the election results without explanation; and ballot discrepancies in some FCs. We have also examined the problems from five aspects, viz. organization, planning, preparation, operation and communication. In this regard, we have reviewed the roles and responsibilities of the Constitutional Affairs Bureau, EAC and the Registration and Electoral Office (“REO”), the current set-up of REO and the Central Command Centre (“CCC”), the existing monitoring and reporting system, manpower planning for the polling day, staff recruitment and training, and formulation of contingency plans, and found that there is room for improvement.

## **Conclusions**

5. During the review, we did not find any fundamental or major problems with the existing electoral system and procedure. Instead, the chaos was the result of a number of implementation problems and some of which were caused by human errors or oversight. Our conclusions are set out in the ensuing paragraphs.

*Conclusion No.1 – Integrity of the Election upheld*

6. Although the chaos on the polling day has aroused great public concern, the problems and discontent were mainly concerned with the practical arrangements but not the election results. We consider that the quality of the Election as a whole was good and the integrity, fairness and impartiality of the election results were not compromised.

*Conclusion No.2 – Efforts of staff recognized*

7. Although some problems that occurred on the polling day were due to human errors or oversight, which in our view, were avoidable, and could have been handled in a better way, it should be recognized that all parties involved had tried their best to tackle the problems. We consider that the efforts of all parties involved, in particular the working staff in general, should not be ignored or undermined because of the chaos on the polling day.

*Conclusion No.3 – Importance of independence of the electoral process recognized*

8. The independence of the electoral process is important to ensure the integrity and impartiality of an election. Although there is room for improvement, the existing organization structure helps to ensure the independence of the electoral process from the Administration which in

our view, should be retained and protected.

*Conclusion No.4 – Current set-up and mode of operation of EAC and REO not adequate to cope with their roles and responsibilities*

9. We consider that the current set-up of both EAC and REO and their mode of operation need to be strengthened. EAC currently comprises three non-official members appointed by the Chief Executive to work on a part-time basis only and hence relies fully on REO for the detailed practical arrangements of an election. The line of command between the two bodies is however not crystal clear when compared with the typical working relationship between a policy bureau and its working or professional department, and an effective monitoring and reporting system does not seem to exist in practice. There is also a lack of an effective check and balance mechanism within REO even on critical issues such as the tests on the capacity of the new GC ballot box and the Interactive Voice Response System (“IVRS”) which was adopted for, inter alia, compiling the voter turnout figures in a Legislative Council election for the first time. Besides, most of the REO staff are general grades staff who are subject to posting every three to four years, which is not conducive to accumulation of experience. REO is also in need of technical expertise such as that in information technology (“IT”).

*Conclusion No.5 – Mindset of REO staff be changed*

10. REO staff were not alert and meticulous enough when drawing

up the practical arrangements for the Election and dealing with the problems arising on the polling day. The deficiency in the tests conducted on the capacity of the new GC ballot box and IVRS were respectively the main causes of the problems associated with the shortage of ballot boxes, and the system failure in compiling the voter turnout figures which led to EAC's decision to postpone the announcement of the election results. The mindset of REO staff should be changed to appreciate that a poll needs to be run as a military operation requiring meticulous planning, adequate preparation beforehand and execution with precision.

*Conclusion No.6 – Set-up of CCC not adequate to cope with crisis*

11. The current set-up of CCC including ranking of the supervisors and its chain of command, responsiveness to problems and physical setting was not adequate to cope with a widespread problem or a crisis like those occurred on the polling day. Lack of a contingency plan for dealing with such a crisis including a system to escalate the issue to the senior management level in good time was a main cause of the chaos.

*Conclusion No.7 – Training of and supervision on polling and counting staff inadequate*

12. The training provided to polling and counting staff is not adequate and totally effective. There were comments that the performance of the Presiding Officers (“PROs”) was uneven and that

some of the PROs were not familiar with their roles and duties. In addition, there was no close supervision on the actual operation of the polling and counting stations. Apart from the visits made by EAC members, REO did not conduct any spot checks or on-site inspections on the stations including the performance of the polling and counting staff.

*Conclusion No.8 – Transparency of and public relations on the electoral arrangements inadequate*

13. Neither EAC nor REO had taken the initiative to keep the public informed of the progress of the Election on the polling day including the shortage of GC ballot boxes and EAC's decision to postpone the announcement of the election results pending the completion of the manual verification of the voter turnout figures. Lack of transparency had generated unnecessary suspicion and speculation.

**Recommendations**

14. Our recommendations are set out in the ensuing paragraphs. We appreciate that implementation of some of the recommendations may need to be further examined in view of the financial implications and other relevant considerations, if any.

*Recommendation No.1 – Strengthening the set-up and mode of operation of EAC and REO and the check and balance mechanism*

15. We recommend that the composition of EAC should be strengthened by including people with the related expertise such as logistics and IT. There should also be a mechanism enabling EAC to solicit support and resources required for discharging its statutory duties more effectively. For example, task forces comprising representatives from the related bureaux/departments may be set up by EAC on a need basis. In addition, a stronger REO is required. We recommend that at least the key personnel of REO should be retained in their posts for a longer period of time, and that REO be strengthened by including staff with lateral thinking and expertise in IT. The line of command and reporting relationship between EAC and REO should also be formalized. There should be regular formal meetings between the two bodies. The check and balance mechanism as well as the monitoring and reporting system within REO should also be enhanced.

*Recommendation No.2 – Re-organizing the set-up of CCC*

16. We recommend that the work of CCC should be decentralized with the establishment of sub-centres at the regional and district levels with the assistance of District Offices. In parallel, there should be a reporting system to ensure that any significant issue will be escalated from the district centres to the respective regional centres and to CCC as

appropriate in good time for prompt decision and action. The physical set-up of CCC should also be reviewed to ensure that the venue is large enough to accommodate all teams of CCC (or at least those critical ones) and there is sufficient provision of all supporting resources including manpower and facilities required.

*Recommendation No.3 – Beefing up the contingency plans*

17. REO should thoroughly review the whole electoral process to identify the critical paths/items and draw up the corresponding contingency plans. For example, in an election, ballot papers and ballot boxes are the two most important electoral equipment and hence contingency plans should be drawn up to ensure their supply and security under emergency situations. Similarly, there should be a contingency plan for compiling the key electoral statistics including the voter turnout figures and the counting results manually.

*Recommendation No.4 – Establishment of an effective reporting system and a crisis management system*

18. We recommend that a system should be drawn up under which an emergency task force comprising key personnel with the necessary authority can be set up to enable prompt response and pooling of resources required for dealing with crisis including those arising totally beyond expectation. To operate effectively, the system needs to be supported by an effective reporting system under which significant issues



would be escalated to the senior management without delay.

*Recommendation No.5 – Enhancing staff training and related support*

19. We recommend that training for REO staff deployed to man the CCC should be enhanced. This includes provision of training on crisis management and customer services to staff at the supervisory level and staff manning the hotlines/helpdesks respectively. For polling and counting staff, training on the procedure and statutory requirements should be strengthened. In addition to briefing sessions, workshops and enquiry hotlines should be set up to enhance their understanding of the procedure and requirements. The Operation Manual should also be reviewed to ensure that all errors or inconsistencies are removed.

*Recommendation No.6 – Adequate preparation especially before adoption of any new features*

20. REO should be more meticulous about the planning and preparation of an election including selection of venues for use as polling stations. Adequate testing with the real life situation should be conducted with extreme caution before any new feature is adopted especially if a critical path/item in the electoral process such as important electoral equipment like ballot boxes and ballot papers is involved. Sufficient time should be allowed to do the testing and other preparation work. The testing results should also be cross-checked by a separate team as far as practicable.

*Recommendation No.7 – Exploring the feasibility of computerizing the polling and counting process*

21. To further improve the efficiency of the electoral process, we suggest further exploring the feasibility of computerizing the process as far as possible. For example, the use of Optical Mark Readers for sorting and counting FC votes is worth exploring. More computer systems may also be adopted for verifying the identity of electors and compiling the statistical returns including voter turnout figures and profiles of electors.

*Recommendation No.8 – Establishment of an inspection system over the operation of polling and counting stations*

22. We recommend that REO should set up an inspection team with the assistance of District Offices to conduct random checks on the operation of the polling and counting stations and the performance of the polling and counting staff. The findings may serve as a useful reference in future recruitment exercises for polling and counting staff.

*Recommendation No.9 – Streamlining the compilation of statistical returns*

23. In view of the fact that polling staff are required to compile a number of statistical returns and complete a lot of forms, which may

duplicate with each other to a certain extent, on an hourly basis on the polling day, we recommend that a critical review should be conducted with a view to streamlining the work as far as possible. This would enable the staff to put their focus on the actual polling and counting work on the polling day.

*Recommendation No.10 – Reviewing the counting and re-counting arrangements*

24. We recommend that if the polling-cum-counting arrangement is continued to be adopted for the GC elections in future, REO should ensure that all supporting arrangements are available. For one thing, there should be separate shifts of staff for the polling and counting duties. In addition, REO should identify venues with sufficient space for having separate polling and counting areas as far as practicable. On the re-counting arrangement, we recommend that instead of holding up the counting staff at individual counting stations, the feasibility of conducting re-counting in the Central Counting Station for re-count requests raised at the Station (normally for a GC as a whole) should be explored.

*Recommendation No.11 – Enhancing related civic education for general public and briefing for candidates/agents*

25. Civic education should be enhanced to educate the general public on the significance of an election and hence to be more tolerant when they are required to queue up for voting which seems to be unavoidable

in future elections with the increasing registered electorate and voter turnout rate. In addition, more briefing sessions should be organized for candidates/agents especially the newcomers.

*Recommendation No.12 – Regular updates on the progress of the poll*

26. We recommend that EAC and REO should enhance the transparency of the electoral process by making regular reports on the progress of their work and issues of concern before, on and after the polling day, including milestones for an election and new features to be adopted.

*Recommendation No.13 – Review of related legislation*

27. We consider that there is a need to review the electoral legislation to see whether there is room to enhance the clarity. In this regard, the flexibility required by the authorities concerned for handling unexpected emergency situations should be taken into account.

# **THE REPORT**

## **CHAPTER 1 BACKGROUND**

### **Introduction**

1.1 Following the third term Legislative Council Election (“the Election”), we were appointed by the Chief Executive as members of the newly formed Independent Committee of Experts for the Review on the Management, Planning and Conduct of Elections (“the Committee”)<sup>1</sup> on 15 December 2004. This Chapter outlines the incidents leading to the formation of the Committee. It also sets out our terms of reference and the ambit of the review conducted by us.

### **2004 Legislative Council Election**

1.2 The Election was held on 12 September 2004. 60 Members (30 for the five Geographical Constituencies (“GCs”) and 30 for the 28 Functional Constituencies (“FCs”)) were returned through the Election. About 1.78 million electors cast their votes in the Election, making a record turnout rate of 55.64%. For FCs, about 135,000 electors cast their votes for the 17 contested constituencies, amounting to 70.10% of the total electorate of these FCs.

1.3 On the polling day and the days after, there was wide media coverage about the election results and complaints relating to the polling

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<sup>1</sup> The Committee is chaired by Dr. Daniel TSE Chi Wai and comprises Mr. Philip CHEN Nan Lok, Mr. Daniel LAI and Mr. Herbert TSOI Hak Kong coming from respectively, the management and logistics, information technology and legal fields.

and counting arrangements. The complaints mainly included: (a) shortage of ballot boxes in many polling stations leading to voting being delayed, long queues of voters outside the stations and some voters being turned away; (b) use of cardboard boxes as ballot boxes in a few stations; (c) opening of ballot boxes by some polling staff to rearrange the ballot papers inside the boxes; (d) delay in announcing the election results; and (e) discrepancies between the number of ballot papers issued and the number of votes in the final outcome for some FCs. Some newspapers and academics commented that the shortage of ballot boxes on the polling day had made Hong Kong a laughing stock in the international community and the incident would tarnish Hong Kong's international image. The chaos on the polling day has aroused great public concern.

### **Reports of the Electoral Affairs Commission on the Election**

1.4 According to section 8 of the EAC Ordinance (Cap. 541), the Electoral Affairs Commission ("EAC") shall, inter alia, make a report to the Chief Executive, within three months after an election, on matters relating to that election in respect of which the Commission has any function under Cap. 541 or any other Ordinance. In view of the public concern on the various problems regarding the practical arrangements of the Election, EAC submitted an interim report to the Chief Executive on 8 November 2004 to give an account of the progress of investigation carried out by EAC and its findings in respect of the major areas of complaints. The Interim Report was published on 10 November 2004. It set out EAC's findings in respect of the following five major areas of

complaints at that time -

- (a) insufficient supply of ballot boxes and the propriety of the various contingency measures adopted (i.e. the opening of sealed ballot boxes to rearrange ballot papers and the use of cardboard boxes as ballot boxes) during the poll;
- (b) legality or otherwise of the contingency measures adopted;
- (c) ballot discrepancies in four FCs;
- (d) voter turnout figures and delay in announcing election results; and
- (e) eviction or exclusion of candidates or their agents from polling stations.

1.5 EAC continued its investigation into the uncompleted complaint cases as well as other outstanding issues after the submission of the Interim Report. It submitted the Final Report to the Chief Executive on 11 December 2004, which was made public on 15 December 2004. The Final Report described how EAC conducted and supervised the Election, gave an updated report on the findings of the uncompleted complaint cases and outstanding issues mentioned in the Interim Report, and set out EAC's recommendations on improvement measures for future elections. Both the Interim and Final Reports are available at the webpage of EAC.



## **Independent Committee of Experts for the Review on the Management, Planning and Conduct of Elections**

1.6 The EAC Interim Report affirmed that the integrity of the Election had not been affected but its findings reveal a number of administrative and planning errors relating to the practical arrangements for the Election. EAC has also proposed that consideration be given as to whether it is necessary to seek assistance from outside experts to follow up on the findings and recommendations. The various problems identified in the Interim Report reveal that there is room for improvement in the planning and conduct of elections. In view of this, the Chief Executive announced on 10 November 2004 that a non-statutory independent committee of experts would be set up to review the management, planning and conduct of elections, and to make recommendations on improvement measures. This Committee was appointed on 15 December 2004.

1.7 Our terms of reference are –

Having regard to the reports of EAC and any other further information obtained by the Committee regarding the arrangements for the Election, and in the light of the Committee's assessment of the management responsibilities for these arrangements –

(a) to review and advise on how:

- (i) the Registration and Electoral Office (“REO”) may better support EAC in carrying out its statutory functions in the conduct and supervision of elections;
  - (ii) REO may better perform its functions in relation to the management, planning and conduct of elections; and
  - (iii) the communication system and other arrangements for the counting of votes and for the reporting, compilation and announcement of polling and counting figures and other relevant matters can be improved, and
- (b) to make such recommendations as it considers necessary for further follow-up action.

### **Ambit of the Review and Modus Operandi**

1.8 We are fully aware that issues of concern relating to the Election, ranging from the nomination process and electioneering to the polling and counting arrangements, were many and varied. Taking account of the terms of reference of the Committee, we decided to put our focus on the practical arrangements of the polling day and the associated management responsibilities with a view to drawing up recommendations to improve the management, planning and conduct of elections in future. We would not touch upon political issues such as the merits and demerits of the

existing electoral system and the political responsibilities arising from the incident. Nor would we deal with criticisms or discontent about the election results, if any.

1.9 We have taken the two reports compiled by EAC on the Election as the basis for our review. In this regard, we note that EAC is an independent statutory body responsible for the conduct and supervision of elections and it has the statutory powers to handle complaints arising from its directives. As mentioned in paragraph 1.4 above, EAC is required under the EAC Ordinance (Cap. 541) to submit a report to the Chief Executive within three months after the completion of the Election, and the report must include all the complaints received together with the Commission's assessment, as what EAC did by issuing the Interim and Final Reports in November and December 2004 respectively. In our review, we have identified and examined major issues of concern involved in the complaints instead of investigating any individual complaint cases that should fall within the ambit of EAC's statutory responsibilities and authority, and are being/have been dealt with under the established system.

1.10 We divided our work into three stages. The first stage was to solicit views and gather information, during which we examined the two EAC reports, related legislation and documents including the Operation Manual issued by REO, the Guidelines on Election-related Activities in respect of the Legislative Council Elections ("the Guidelines") issued by EAC, and relevant information available in the public domain such as the

Legislative Council (“LegCo”) Motion Debate on 27 October 2004. We also invited views from those concerned including meeting with individuals and organizations that may enable us to better understand the issues involved. At the second stage, we evaluated the views and information obtained, and identified major issues of concern. At the final stage, we formulated our conclusions and recommendations, and wrote this report.

1.11 To collate views and information on the practical arrangements of the polling day and above all, to invite suggestions on the improvement measures during the first stage of our work, we issued a press release on 14 January 2005 and placed advertisements on newspapers on 14 and 21 January 2005 to invite views from the public. We have also invited written submissions from 122 individuals and five organizations including LegCo Members, Presiding Officers (“PROs”), Returning Officers (“ROs”) and complainants. Details of these individuals and organizations, and a sample of the invitation letter and the advertisement are **at Annex A and B** respectively. A total of 37 submissions were received including some after the deadline. We have also met with five individuals and seven organizations, some of which on more than one occasion. In addition, we have asked REO to arrange a demonstration to show us the operation of a polling station including the duties of different categories of polling staff in a station on the polling day. We express our gratitude to all those who have attended the meetings, or offered views and advice to us. Their names, except those who have requested for anonymity, are set out **at Annex C**.

1.12 We have taken into account the views and information collated when conducting the review and drawing up the conclusions and recommendations in Chapter 4. For views on issues not covered by our review, such as comments relating to election advertisements, and suggested amendments to specific provisions of the related Guidelines, we will refer them to the relevant authorities for follow-up action.

## **CHAPTER 2 CHAOS ON THE POLLING DAY**

### **Introduction**

2.1 Appreciating that hiccups are unavoidable in a large-scale event like the Election, we have put our focus on identifying and examining the major problems that led to the chaos on the polling day with a view to formulating ways to avoid the recurrence of similar incidents in future elections. This Chapter outlines the major problems examined by the Committee and our observations.

### **Insufficient Supply of GC Ballot Boxes and Delay in Replenishment**

#### *Supply of GC Ballot Boxes*

2.2 The ballot papers and ballot boxes adopted in the Election were newly designed and used for the first time. To facilitate electors in identifying the candidates for their choices during the voting process, EAC made the Particulars Relating to Candidates on Ballot Papers (Legislative Council) Regulation (Cap. 541M) to enable the printing of photographs and particulars of candidates, including names and emblems of the organizations that support them or to which they were affiliated, on the ballot papers. New GC ballot papers of A3 size, which are larger than those previously used, were adopted accordingly. A new type of GC ballot boxes was designed and produced as the much larger old ballot boxes would be too heavy to handle when filled with the larger and much

heavier new ballot papers. REO supplemented at its meetings with the Committee that since the counting arrangement for GC votes had not yet been decided at the time, new GC ballot boxes of smaller size were adopted to cater for the need of transporting the ballot boxes from the 501 polling stations to a central counting station in case central counting was adopted.

2.3 REO has confirmed that its staff had conducted a number of tests to ascertain the function of the new GC ballot box. However, since the design of the new GC ballot paper and hence the type of papers used had not been confirmed when they were required to finalize the design of the new ballot boxes in around April/May 2004, ordinary papers of A3 size (of 80 gsm in weight), instead of the thicker papers (of 100 gsm in weight) eventually adopted for the GC ballot papers, were used to test the capacity of the new GC ballot box. The papers were folded once before being inserted into the boxes through the front slot in the way which electors were expected to cast their votes. Two tests conducted by REO showed that about 1,000 ballot papers could be inserted into the new GC ballot box. According to REO, due to the need to handle other electoral arrangements, its staff did not re-test the capacity of the new ballot box when the design of the ballot paper was confirmed.

2.4 Upon the advice of the Secretary for Constitutional Affairs (“SCA”) that there should be a sufficient supply of ballot papers and ballot boxes, REO had increased the number of GC ballot boxes ordered from 2,700 to 3,200, which could, theoretically speaking, meet the

demand for the entire registered electorate of about 3.2 million, on the assumption of 100% voter turnout rate. 2,770 of the boxes were distributed to the 501 polling stations before the polling day and 424 of the remaining boxes were kept as reserve in the four emergency depots manned by REO, that were situated in Quarry Bay, Kowloon Bay, Tuen Mun and Tai Po.

### *Committee's Observations*

2.5 We note from a paper submitted by REO to the LegCo Panel on Constitutional Affairs in February 2004 on the polling and counting arrangements for the Election that “to facilitate the handling of the larger-sized ballot papers during the counting process, new ballot boxes will be tailor-made so that ballot papers inserted into the ballot box will fall into a neat pile and can be retrieved readily for counting. The new ballot box, which can hold about 1,000 ballot papers, will be smaller than before so that it will not be too heavy to handle” (paragraph 8 of LC Paper No. CB(2)1309/03-04(03)). The heavier weight of ballot papers and the larger number of ballot boxes involved because of their smaller size, which might delay the counting process if the ballot boxes needed to be delivered to a central counting station for vote counting, were quoted by REO as reasons for soliciting LegCo’s support for EAC’s proposal to adopt the polling-cum-counting arrangement for GC votes, i.e. to decentralize vote counting for GCs in the Election to individual polling stations. This is different from the explanation given by REO to the Committee that the new design of the GC ballot box was based on the



assumption of centralized counting as the counting arrangement for GC votes had not yet decided when it was time to confirm the design of the new ballot box. SCA also confirmed at his meeting with the Committee that EAC had proposed to adopt the polling-cum-counting arrangement after the implementation of the measure in the 2003 District Council (“DC”) Election. Hence, different from what was quoted by REO, the fact that the counting arrangement had not yet been confirmed until July 2004 should not have any bearing on the design of the new GC ballot box subsequently adopted by EAC and REO.

2.6 We consider that REO’s testing on and estimation of the capacity of the new GC ballot box that formed the basis for the number of boxes ordered was the crux of the problem. REO’s estimation that a new GC ballot box could accommodate about 1,000 ballot papers was based on two tests conducted with ordinary A3-size papers which are lighter (and presumably thinner) than the new GC ballot papers. Given the importance of ensuring the sufficient supply of ballot boxes in an election, it is unacceptable that no further capacity test was conducted when the design of the new ballot papers, in particular the type of papers used, was confirmed even though REO might be working under a tight schedule and be occupied by other preparatory work at the time.

2.7 According to the tests conducted by EAC after the Election, shaking of the ballot box was required after the insertion of about 450 ordinary A3-size papers and with several occasional shakings, the capacity so tried out was about 900 papers. With another test by using

papers of the same thickness of the new GC ballot paper, EAC found that shaking of the box was required after the insertion of 315 papers and after several occasional shakings, the capacity of the box was found to be about 690. To better review the tests conducted by REO, the Committee has tried the capacity of the GC ballot box with the two types of papers. With the ordinary A3-size papers and samples of the new GC ballot papers, it was found that no more papers could be put in the box without shaking after the insertion of about 300 and 200 papers respectively. It is worth noting that the papers inserted into the box did not invariably fall flat and pile up neatly one over another as expected even though the papers have been folded once quite neatly before the insertion. In other words, the assumption that the papers inserted into the box would fall into a neat pile did not materialize. After several shakings and using rulers to press the papers inside the box through its front slot, the capacity of the box was found to be 805 and 580 respectively. We believe that if the tests on the design of the new GC ballot box and its capacity were conducted properly and more carefully, the design flaw of the ballot box should have been noticed and the serious over-estimation of the capacity of the box could have been avoided.

2.8 We share EAC's regret that REO had not envisaged that the ballot papers could be inserted into the ballot box by electors in many different ways and over-estimated the capacity of the box. However, if REO was more meticulous about the tests conducted on the new GC ballot box, it should have at least realized that how the ballot papers were folded when being inserted into the ballot box would have an impact on

the capacity of the box, and hence there was a need to remind polling staff and electors of the “proper” way to fold the ballot papers before the Election. The PROs whom the Committee has met confirmed that folding of the new GC ballot paper was not highlighted in the briefing sessions organized by REO. In this regard, it is also worth noting that at around 9:50 am on the polling day, after receipt of the first several requests for additional GC ballot boxes, the Central Command Centre (“CCC”) set up by REO to co-ordinate the electoral arrangements on the polling day had arranged a message sent through a computerized telephone system called the Interactive Voice Response System (“IVRS”) to remind all PROs that the polling staff should fold the GC ballot papers before issuing them to electors. Instructions of the requirement to occasionally shake the ballot boxes and to use rulers or other apt instruments to flatten and press the content through the slot of the boxes were also given to all polling stations whenever they called the CCC for additional ballot boxes. The measures were proved to be ineffective in addressing the problem as calls for extra boxes continued throughout the polling day. We therefore have strong reservation on the quality of the capacity tests conducted by REO.

2.9 In addition, given that the number of GC ballot boxes ordered was based on the assumption of 100% voter turnout rate, it seems more logical for REO to allocate the boxes to individual polling stations on the same assumption instead of keeping about 420 boxes in the four emergency depots as reserve. This would at least save the time in delivering the boxes to the polling stations and help relieve the shortage

problem on the polling day.

### *Replenishment of GC Ballot Boxes*

2.10 CCC comprising different teams was set up by REO to oversee and co-ordinate the practical arrangements on the polling day. The CCC Helpdesk 2 headed by an Executive Officer I was responsible for providing logistical support and replenishment of supplies (including ballot boxes) to polling and counting stations. To have a clearer picture on how the problem of shortage of GC ballot boxes was handled on the polling day, in particular the unexpected long time taken to replenish the supply leading to a number of problems that would be covered in the later sections of this Chapter, we have attempted to draw up a chronology **at Annex D** based on the two EAC reports and further information collated by the Committee including REO's inputs. In this regard, REO has advised that given the hectic situation on the polling day, its records were not complete. The major events are highlighted in the ensuing paragraphs.

2.11 The first two requests for additional ballot boxes were received by the CCC Helpdesk 2 as early as at around 8:30 am on the polling day, i.e. an hour after the commencement of polling. By 11:30 am, about 80 polling stations had approached the Helpdesk for extra boxes. Requests for additional ballot boxes were received by the Helpdesk throughout the day until around 8:45 pm. Out of the 501 polling stations, 464 had made requests for extra ballot boxes on the polling day. The

situation was totally beyond REO's expectation. When CCC Helpdesk 2 first received requests for additional ballot boxes, its staff were very surprised and viewed the requests made on the basis that a ballot box could only hold below 100 and at most 200 ballot papers as quite incredible especially because they were the team conducting the tests on the capacity of the new GC ballot box. Their initial response was that the electors did not fold the ballot papers properly before inserting them into the ballot boxes. They hence asked the polling staff concerned to remind electors to fold the ballot papers properly before inserting them into the ballot box. As mentioned in paragraph 2.8 above, a message was sent through IVRS at around 9:50 am to remind all PROs that the polling staff should fold the GC ballot papers before issuing them to electors.

2.12 Upon receipt of additional requests for extra ballot boxes, CCC Helpdesk 2 started to arrange transportation of the reserve boxes from the four emergency depots to the polling stations. However, out of the 43 REO vans/lorries stationed at the four depots, only four were immediately available to deliver extra ballot boxes to the polling stations, since 35 had been deployed to deliver ballot papers to 281 polling stations at 7:45 am to increase the stock of ballot papers in these stations up to 100% of the registered electorate and the other four were engaged in the delivery of other electoral equipment. At around 11:15 am, the Helpdesk sought the assistance of the Hong Kong Police Force ("the Police") to help the delivery through the Police Liaison Officer stationed in CCC who then communicated with the subject officers of the various Police Districts on

the deployment of vehicles and manpower. The Helpdesk also obtained the agreement of the Government Logistics Department between 12:30 pm and 1 pm to arrange for four additional vans and hence a total of 47 vans were available for deployment by REO in the afternoon. In addition, delivery was made by taxi for urgent cases, i.e. stations that were using the last or the second last ballot box and no other vehicle was available for the delivery at the time.

2.13 Worrying that the 424 reserve ballot boxes might not be adequate to meet the demand, at around 12 pm, CCC, in consultation with the Chief Electoral Officer (“CEO”), decided to have resort to the 1,200 old white GC ballot boxes used in previous elections that were stored in the Tuen Mun Depot at the time. From around 1:30 pm to 2:30 pm, REO arranged transportation of the boxes to the other three emergency depots for delivery to polling stations. 620 old-style red ballot boxes and 130 old-style blue ballot boxes were also delivered to various District Offices for standby services at around 5:30 pm. There were however complaints that these old ballot boxes were not provided with padlocks when they were delivered to polling stations and hence not ready for immediate use.

2.14 CCC Helpdesk 2 got a consolidated list of the number of additional ballot boxes required by individual polling stations in the Central and Western District from the respective District Liaison Officer (“DLO”) at around 12:23 pm. At around 12:45 pm, the Helpdesk, in consultation with the Police, asked the remaining 17 DLOs to compile a similar list for their respective districts, which was available between

1:45 pm and 3:50 pm. With some adjustments, the lists were passed to the Police for follow-up action. According to REO's records, REO had made deliveries of extra ballot boxes (mainly the new GC ballot boxes) to a total of 180 polling stations including 52 stations to which the deliveries were made by taxi. The Police had made deliveries (of mainly old ballot boxes used in previous elections) to some 450 polling stations. The average duration between the making of the request for additional ballot boxes and the first arrival of ballot boxes at the polling stations was six hours and the longest duration was 12.5 hours.

### *Committee's Observations*

2.15 We appreciate that the CCC staff especially those of Helpdesk 2 had tried their best to tackle the shortage problem and worked under great pressure on the polling day. However, they did not seem to be sensitive or vigilant enough to appreciate the severity and urgency of the problem at the early stage and take corresponding action promptly, given that their prime mission on the polling day should be to ensure sufficient supply of electoral equipment including, of course, ballot boxes to all polling stations. While agreeing with the need to assess the overall situation rather than simply distributing additional ballot boxes on a first-come-first-served basis, we fail to comprehend why the decision to use the old ballot boxes and to compile a list of the number of additional ballot boxes required for individual polling stations was not made until at and after 12 pm respectively. The available information also did not show that CCC or its Helpdesk 2 had immediately approached the DLOs,

who are supposed to be the contact persons or co-ordinators between polling stations of their respective districts and CCC, for an assessment of the situation that is essential to the planning of effective follow-up actions. On the other hand, both the CEO, and the staff of Constitutional Affairs Bureau (“CAB”) who were aware that ballot boxes were filled up quicker than expected, got the impression from their contacts with the Chief Commander in charge of CCC in the morning that the shortage problem was under control. The lack of a contingency plan for such a widespread problem or crisis may also be a reason for the inability of the staff concerned to take appropriate action at the first instance.

2.16 CCC or its Helpdesk 2 also did not seem to have played an effective co-ordinating role in the replenishment of ballot boxes. It is a pity that the records kept by REO on the replenishment of ballot boxes, including the timing and other details of the deliveries made by the Police, REO vans and taxi respectively were incomplete. The number of old ballot boxes that had actually been used was also not available. Despite the assistance provided by the Police, that a total of 47 REO vans were available for deployment in the afternoon and that according to REO, deliveries were made by taxi for urgent cases, the average time gap between the making of the request and the first arrival of additional boxes at the polling stations was six hours, which was obviously on the high side in a small and developed place like Hong Kong. We believe that the time gap could be shortened if there was better co-ordination among the deliveries made by different means.



2.17 The total number of taxi trips made by REO (46 according to REO's records) was also relatively small in the light of the severity and urgency of the situation. It was noted that the original 30 members of the staff of CCC Helpdesk 2 stationed at Hong Kong International Trade and Exhibition Centre ("HKITEC") in Kowloon Bay were eventually decreased to ten in a period in order to spare the workforce to help with the deliveries and as a result some telephone lines of the Helpdesk were left unanswered. However, it is worth noting that in addition to 51 REO staff manning the four emergency depots, there was a total of 170 reserve polling staff who were stationed in the depots. Excluding 28 of them who were deployed to serve at polling stations on the polling day and 70 of them who were deployed for delivery of ballot papers to polling stations in the morning, there should still be about 70 reserve polling staff available for making urgent deliveries of ballot boxes by taxi. Although REO has advised that some reserve polling staff did assist in the deliveries while some of them were required to help the depot staff to do other work, it could not confirm the number of reserve polling staff who had actually participated in the delivery of spare ballot boxes. We believe that with better co-ordination of resources including the manpower and the spare ballot boxes available, the shortage problem might have been contained or at least its impact might have been relieved.

2.18 The support provided by CCC Helpdesk 2 to the polling stations, in respect of both the replenishment of ballot boxes and the moral support given to the polling staff and its communication with the polling stations

was inadequate. According to the PROs whom the Committee has met, the Helpdesk staff could not provide any clear advice on what could/would be done with the shortage problem. Some even advised that there were no extra ballot boxes and that the polling staff needed to resolve the problem themselves. There were also complaints about the difficulty in contacting the Helpdesk staff or other CCC staff and that as a result the polling staff were put in a helpless situation. In our view, CCC or its Helpdesk 2 had failed to perform its functions effectively and efficiently in this aspect.

### **Measures Implemented due to Insufficient Supply of GC Ballot Boxes**

2.19 Pending the arrival of additional GC ballot boxes, various stopgap measures were adopted in polling stations to relieve the emergency situation of insufficient boxes. Measures that have attracted most criticism have been examined in our review and are set out in the subsequent sections.

#### *Opening of Ballot Boxes*

2.20 To address the shortage problem, at around 3:30 pm on the polling day, EAC instructed PROs to unlock the front slot of the GC ballot boxes to compress the ballot papers inside the boxes, if necessary, before the arrival of extra ballot boxes. At around 4 pm, when visiting the CCC Kei Wan Primary School (Aldrich Bay) Polling Station (C0501)

and noticing the shortage problem, Mr. Norman Leung (the then EAC Member whose term of service expired on 29 December 2004) instructed the PRO to open the back of the ballot boxes in front of several agents to rearrange the ballot papers inside so as to free up space for more ballot papers. EAC then endorsed the decision and at around 4:40 pm asked REO to pass an instruction to all PROs telling them to follow suit if necessary and the boxes had to be opened in the presence of candidates or their agents, or, in their absence, a police officer should serve as a witness. According to the EAC Final Report, a total of 58 polling stations had opened ballot boxes for rearrangement of ballot papers inside so as to make room for more ballot papers. As confirmed by REO, the complaint case that was under investigation when the EAC Final Report was published has subsequently been confirmed as unsubstantiated. Hence, there were four substantiated complaint cases involving ballot boxes having been opened by PROs. The polling stations involved are Po Kok Secondary School (Q0801), Chi Hong Primary School (R0601), S.K.H. Chu Oi Primary School (S0601) and Shek Lei Community Hall (S0901). All of the ballot boxes concerned were opened in the presence of candidates/agents/police officers.

### *Committee's Observations*

2.21 There was strong criticism about the opening of the ballot boxes especially those in the absence of candidates/agents. Indeed, opening of ballot boxes before the poll may fall under section 17(1)(e) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) which

stipulates that a person engages in corrupt conduct at an election if the person, inter alia, without lawful authority, destroys, removes, opens or otherwise interferes with a ballot box in use at the election. We appreciate the concern about the legality of the measure and above all, its impacts, if any, on the integrity of the election. We note that there is no statutory provision catering for unexpected contingencies or emergencies. Having examined the relevant electoral legislation, we agree with EAC's view that under sections 4(b) & (h) and 5(g) of the EAC Ordinance (Cap. 541), EAC has the power and authority to give instructions and directives for adopting expedient measures to deal with unexpected contingencies and emergencies. We consider the measure in context as a reasonable and necessary act adopted to deal with the emergency situation so as to obviate the need to suspend the poll or close the polling stations temporarily. In addition, we note from the EAC Final Report that all of the ballot boxes concerned were opened in the presence of candidates/agents/police officers. In some cases, the agreement of polling agents had also been sought. Hence, the integrity, impartiality and fairness of the election were not compromised.

2.22 According to "A Guide for Police Officers on Duty at Polling/Counting Stations" issued by the Police, the police officers concerned have a duty to ensure that the election is conducted in a fair, open, honest and clean manner. However, while accepting the role of police officers as independent witnesses during the opening of ballot boxes, we consider that the presence of candidates/agents as witnesses was more preferable under the circumstances for obvious reasons.

2.23 In conclusion, we are of the view that the measure is acceptable legally but not desirable.

2.24 In view of the significance and possible implications of the measure, we are also concerned about how EAC's instruction on the opening of ballot boxes was passed to the 501 polling stations, in particular the prerequisite for the opening regarding the presence of candidates/agents/police officers. It was noted that the instruction was passed to PROs by about 50 Assistant Returning Officers ("AROs") over the phone. No standard script had been provided to the AROs. According to the PROs whom the Committee has met, the instruction they received from CCC on the polling day regarding the opening of ballot boxes was not clear and varied in content. For example, some were asked to have the presence of ALL candidates/agents while some were told that the presence of one to two agents would suffice. Some received more than one phone call from CCC giving inconsistent advice on whether the presence of all candidates/agents was compulsory or desirable. In addition, there was no means for the PROs to verify the identity of the callers from CCC. We consider that the arrangement was not desirable given the significance of the issue involved. REO should adopt a more prudent approach in disseminating important instruction or message to polling stations.

### *Use of Cardboard Boxes as Ballot Boxes*

2.25 According to the EAC Final Report, there were two cases involving the use of three cardboard boxes (the cartons used for storing the new GC ballot boxes when they were delivered to polling stations) as temporary ballot boxes in two polling stations, viz. Po Leung Kuk Fung Ching Memorial Primary School (Q0601) and LKWFSL Wong Yiu Nam Primary School (R3402). In one station, two cardboard boxes were used as temporary ballot boxes with the agreement of the polling agents of three different GC candidates' lists. The two boxes were sealed and signed by the PRO in the presence of the Assistant Presiding Officer ("APRO") and two polling agents, who also witnessed the transfer of the ballot papers in the cardboard boxes to one of the extra ballot boxes later delivered by REO. The cardboard boxes concerned were returned to REO after the conclusion of the Election. The Committee has inspected one of the cardboard boxes which were sealed in the same way, and found that the box was sealed with adhesive tapes (with the top subsequently opened for transfer of the ballot papers inside the box to an additional ballot box allocated by REO) and signed by the PRO. There was a slot made on one side of the cardboard box for insertion of ballot papers and it was also sealed by adhesive tapes.

2.26 For the other case, it was noted that one cardboard box was used as a temporary ballot box and the entire process of ballot casting was conducted in the presence of a polling agent and a police officer who also witnessed the transfer of ballot papers from the cardboard box to one of

the original ballot boxes after it was opened and the ballot papers inside had been rearranged to free up space for more ballot papers. Since the cardboard box had not been returned to REO and could not be found after the Election, we cannot establish how the box was sealed.

### *Committee's Observations*

2.27 We share the concern about the legality and appropriateness of the measure. Under section 47 of the Electoral Affairs Commission (Electoral Procedure)(Legislative Council) Regulation (“EAC(EP)(LC) Reg”) (Cap. 541D), that is the only provision governing the design of a ballot box, a ballot box to be used for an election is to be so constructed that ballot papers can be introduced into it while it is locked but cannot be withdrawn from it without unlocking it or breaking the seal or the sealing device. After examining one of the cardboard boxes used and reviewing the relevant legislation, it would appear that except for the absence of a locking device, the cardboard boxes could well be qualified as makeshift ballot boxes. In view of the emergency situation at the time where not too many alternatives were available, we consider that this stopgap measure is acceptable from the legal point of view. However, the measure is not desirable as it caused unnecessary suspicion that the integrity and solemnity of the Election might be compromised. We note that the three makeshift ballot boxes in question were later broken open and the ballot papers were transferred to “normal” ballot boxes in front of agents. This action is in line with the direction of EAC on the opening of ballot boxes for rearranging ballot papers inside, which we have

examined in the previous section.

2.28 We also note with concern that the PROs in question did not consult CCC or AROs (Legal) before resorting to use cardboard boxes as ballot boxes. The latter were responsible for advising, inter alia, PROs on legal matters relating to the poll and the count. The PROs did not even take the initiative to report the cases to CCC on the polling day. This reflects that there is a lack of awareness among the polling staff of the sensitivity and importance of the issues that they were handling.

*Use of Rulers etc. to Press Ballot Papers inside Ballot Boxes*

2.29 As mentioned in paragraph 2.8 above, upon receipt of several requests for additional boxes, instructions of the requirement to occasionally shake the ballot box and to use rulers or other apt instruments to flatten and press the content of the box through the front slot were given by CCC to all polling stations whenever they called CCC for additional boxes with a view to relieving the shortage of ballot boxes. As regards the complaints and concern about the appropriateness of the measure, both EAC and REO have reiterated that the measure had been adopted in previous elections without any complaint. It was implemented to avoid jamming of the slot and to ensure that ballot papers fell better and more smoothly into the ballot box so as to free up space for more ballot papers. The PROs whom the Committee has met confirmed that this was an established practice.



### *Committee's Observations*

2.30 When testing the capacity of the new GC ballot box, we found that the slot of the box would be jammed after the insertion of a certain number of ballot papers. Shaking the box and using instruments like rulers to press its content are believed to be common practices adopted to free up more space in the box especially in view of the shortage of ballot boxes. Noting that it was an established practice adopted in previous elections and REO's confirmation that there were no ballot papers damaged in the Election as a result, we consider that the measure is acceptable as a stopgap measure to relieve the emergency situation arising from the shortage of ballot boxes given that the integrity of the election would not be compromised as a result. We have also examined section 54(5) of EAC(EP)(LC) Reg (Cap. 541D), which stipulates that a person must not put anything other than a marked ballot paper into the ballot box, together with other subsections of section 54. We are of the view that the insertion of a ruler or a similar instrument only for the purpose of pressing down the content and withdrawing it immediately from the ballot box with no intention of depositing the instrument into the ballot box should not be construed as being in breach of the provision.

### **Over-crowding and Prolonged Queuing at Polling Stations**

2.31 There were complaints and criticism about the problem of over-crowding and prolonged queuing at some polling stations and allegations that as a result, some electors were put off and left without

casting their votes. According to the EAC reports, the majority of the complaints received was related to a polling station located at Ying Wa Girls' School (A0301) and the cause of the problem was that the staff obtaining the School's permission to use the entrance foyer only had failed to foresee that a larger space would be needed because of the increased registered electorate assigned to the station and a much higher voter turnout rate for the station when compared with previous elections.

### *Committee's Observations*

2.32 We consider that the problem was attributed to several factors including the shortage of GC ballot boxes and delay in replenishment of the supply, the small size of the venues concerned and the existing polling arrangement. We have covered the first factor in the previous sections and are not going to repeat here. As regards the selection of polling stations, we consider that instead of simply consulting District Offices before deciding on the venues as REO did for the Election, REO should seek the agreement of District Offices to play a more active role in the identification of venues for use as polling stations and liaison with the venue management, since staff of District Offices are more familiar with the local community and environment. Among the comments we received, there was criticism about the small size of some polling stations, and reservation on locating a polling station in a municipal services building because of the overcrowding problem resulted in the lift lobby. Hence, there is a need to conduct a more critical review on the suitability of individual polling stations in respect of their location, size etc. after

each election by taking account of the complaints received, if any, and the views of polling staff.

2.33 Apart from prolonged queuing for inserting the ballot papers into a ballot box, there were also complaints about the long queues at ballot paper issuing desks. Under the existing practice, each ballot paper issuing desk in a polling station is responsible for serving the electors of a specified range of Hong Kong Identity Card (“HKID”) numbers. Since the turnout of electors of different ranges of HKID numbers was not evenly distributed throughout the day, there were occasions where there were long queues at some issuing desks while polling staff at the other issuing desks were left idle. The existing manual process of checking an elector’s identification against the entry on the Final Register, issuing ballot papers (for both GC and FC where appropriate) and making relevant statistical returns is also quite time consuming. We consider that there is room for improvement.

2.34 Having said that, we would like to highlight that with the expanding registered electorate and increasing voter turnout rate, an elector may unavoidably need to take a longer time than before to queue up for casting a vote. Electors should appreciate the significance of an election and be more tolerant and above all, not give up the right to vote lightly.

## **Long Working Hours of Polling-cum-Counting Staff**

2.35 Different from previous LegCo elections, polling-cum-counting arrangement, i.e. each polling station for electors to cast their votes was also to conduct the counting of votes after the close of poll, was adopted for the first time for GC votes in the Election. The arrangement had been used and tested in several by-elections of the DCs in 2002 and 2003 and in the ordinary election of the DCs held in November 2003. All polling staff recruited to man the polling stations in the Election, with the exception of those working in 16 small polling stations<sup>2</sup>, had to work through the poll and the count after the polling stations were converted into counting stations.

2.36 There were, on average, about 100 counting stations (converted from polling stations) in each GC. A counting station which had completed the count for GC votes would need to wait for the completion of the count in the last counting station in the same GC and the confirmation that no re-count for the whole GC was required before the staff concerned could be released. The time that AROs authorized the counting result of the last counting station in their respective GCs in the Election ranged from 3:53 am to 5:44 am on 13 September 2004. In view of the problems with the compilation of the voter turnout figures that would be elaborated in paragraphs 2.48–2.51 below, EAC decided to postpone the announcement of the counting results until the completion

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<sup>2</sup> In accordance with the EAC(EP)(LC) Reg (Cap.541D), small polling stations are defined as stations with less than 500 registered electors and ballot papers from these stations would be mixed before counting after the close of poll.

of the manual verification of the voter turnout figures at around 6:30 am. The formal announcement of the election results for respective GCs was made from about 7:45 am to shortly after 12 noon on 13 September 2004 as candidates of the Hong Kong Island GC requested a re-count of all the votes in the constituency when the counting result was made known to them at about 6:30 am. The polling-cum-counting staff needed to stand by at the counting stations before the respective ROs gave permission to close down the stations.

2.37 There was criticism that the main reason for EAC and REO to combine the polling and counting duties in the Election was to achieve resource saving, and that the long working hours had scared off experienced polling/counting staff to serve in the Election. On this allegation, EAC had emphasized at its meeting with the Committee that availability of resources had not been the Commission's concern when planning the polling and counting arrangements for the Election. The polling-cum-counting arrangement and the resultant combination of the polling and counting duties were drawn up mainly to speed up the counting process and the announcement of the election results, and to avoid the security problem arising from transportation of the ballot boxes from polling stations to counting stations. SCA also reiterated at his meeting with the Committee that although the Government experienced a budget cut in recent years, there was no reduction in the resources allocated to REO for the conduct of elections. It was noted that the Government had earmarked \$275,540,000 for the Election, and the actual expenditure for the 2000 LegCo Election was \$275,160,000. Apart

from promotional and publicity activities, the estimated expenditure for other practical arrangements was about \$180,000,000 for the 2000 LegCo Election while that for the Election was over \$200,000,000.

### *Committee's Observations*

2.38 While appreciating the good intention of speeding up the counting process, we consider that EAC and REO had under-estimated the complexity and scope of the Election as compared with the 2003 DC Election when working out the counting arrangements. There were, on average, about 100 polling stations in each GC in the Election while there was normally only one polling station in most of the constituencies in DC elections. Hence, the time taken for all the counting stations in the same GC to complete the counting and then for the RO to confirm whether a re-count was required, that in turn determined when a counting station could be closed, was much longer in the Election. In addition, the polling staff was required to take care of not only the GC votes but also the FC votes at the same time, and hence had a heavier workload when the poll was underway. Even if there were no problems with the compilation of voter turnout figures and that the candidates of the Hong Kong Island GC had not requested a re-count after the announcement of the counting results at around 6:30 am, the earliest time that the AROs authorized the counting result of the last station in their respective GCs was 3:53 am. The polling-cum-counting staff concerned had already worked for about 20 hours.

2.39 It was noted that polling-cum-counting staff were told before the polling day that the estimated time of their release would be about 4:30 am when all the ROs would have decided whether a re-count had to be conducted. Such “planned” working hours (over 21 hours as polling staff were requested to arrive at the polling stations not later than 6:45 am) are still too long in our view. It is doubtful whether the staff can still maintain the required vigilance when performing the counting duties after manning the polling station for over 15 hours even with some breaks in between.

2.40 As regards EAC’s recommendation of decentralizing the counting of GC votes to the regional or district level, all three political parties that the Committee has met, viz. the Democratic Party, the Liberal Party and the Democratic Alliance for Betterment of Hong Kong, expressed their support for the polling-cum-counting arrangement adopted in the Election. We have no objection to the continual adoption of this arrangement provided that corresponding planning and logistics arrangements including manpower deployment could be made properly. In this regard, if resource implication is not a concern, we cannot see why there could not be a separate shift of polling and counting staff even if the polling-cum-counting arrangement would continue to be adopted in future.

2.41 On EAC’s recommendation of making it a statutory requirement for an automatic re-count to be conducted right after the first count is completed, we have reservation on its effectiveness in addressing the

problem. Since candidates/agents have the right to request a re-count, the proposed measure cannot stop such requests and obviate the need for the staff concerned to wait at the counting stations to see whether a re-count is required.

### **Eviction or Exclusion of Candidates or Their Agents from Polling Stations**

2.42 With the polling-cum-counting arrangement adopted for GC votes in the Election, except the 16 small polling stations, the remaining 485 polling stations were required to be converted into counting stations upon the close of poll. There were complaints that candidates/agents (mainly counting agents) were not allowed to stay or enter the polling stations to witness the conversion. According to the EAC Final Report, 33 polling stations were involved in complaint cases relating to eviction or exclusion of candidates or agents from polling stations during the conversion period. Some were caused by miscommunication between the candidates/agents and the polling staff concerned, and some were due to the PROs' misunderstanding that polling agents instead of counting agents were allowed to stay during the period or that PROs had the discretion to decide whether candidates/agents should be admitted to the station to witness the conversion. Cases causing most concern and suspicion were those in which no candidates/agents were admitted during the conversion period, and there were five substantiated complaint cases of this nature that were set out in Appendix VIII to the EAC Final Report.



### *Committee's Observations*

2.43 According to the EAC Interim Report, the PROs' misunderstanding about the statutory requirements was mainly due to an error in the Operation Manual (the third last bullet item on Checklist E) which stated that polling agents instead of counting agents might stay to witness the conversion, which was inconsistent with the relevant provisions of the EAC(EP)(LC) Reg (Cap. 541D) and the Guidelines. In addition, paragraph 7.22 of the Operation Manual which stated that "During the conversion, the candidates/agents may be allowed to stay inside the station" may also give rise to a possible interpretation that a PRO has the discretion to decide whether a candidate/agent should be admitted to the station during the conversion. However, we consider that this clause not only may cause the misunderstanding, but also is not consistent with the EAC(EP)(LC) Reg (Cap. 541D) which stipulates that a candidate and an election agent and a counting agent of such candidate may stay in a polling station while it is closed for the preparation for the counting of votes. The discretion is with the candidate/agent rather than the PRO as implied by the existing drafting of paragraph 7.22 of the Operation Manual.

2.44 The Operation Manual is drawn up to facilitate the discharge of duties by the polling staff for the conduct of the election in an open, fair and honest manner. The error or inconsistency of the Operational Manual as pointed out above reflected that the preparation work had not been done properly. It is unacceptable given the importance of the

document. The problem is avoidable if the Manual has been compiled and verified with caution.

2.45 Having said that, we consider that all polling and counting staff, in particular the PROs, also had the responsibility to familiarize themselves with both the related legislation and the Guidelines. The PROs concerned should have consulted CCC if they were in doubt when facing the requests raised by the counting agents. There was one complaint case involving eviction of a candidate. The mistake made by the PRO is unacceptable. It is not in line even with the Operation Manual with the error mentioned above. The PRO was obviously not familiar with the electoral process and the related requirements. In fact, some submissions received by the Committee have highlighted the uneven performance of the PROs and inadequacy of the training provided to polling staff as issues of concern.

2.46 A PRO whom the Committee has met still held the view that PROs had the discretion to decide whether a candidate/agent should be admitted to the station during the conversion after he had read the relevant statutory provisions. Some PROs also doubted the need to allow candidates or agents to witness the conversion given that the ballot boxes had been sealed properly with candidates/agents as witnesses after the close of poll. Some expressed reservation on whether it was desirable to do so since the venue was too small to accommodate the candidates/agents and it was difficult to spare staff to take care of the sealed boxes when the conversion was in progress. The reaction of

these PROs fully reflected their lack of awareness and understanding of the importance of ensuring the transparency of the electoral process, which is a principle that needs to be upheld throughout the election. On the other hand, we consider that the physical restriction of the venue is a valid concern. Hence, if the polling-cum-counting arrangement would continue to be adopted in future elections, consideration should be given to identify venues with sufficient space for having separate polling and counting areas as far as practicable.

2.47 Under the existing system, a candidate may appoint various categories of agents, including election agents, polling agents and counting agents. Some polling staff might have difficulty in comprehending the roles and rights of different types of agents. Some may consider that polling and counting agents are appointed to take care of the polling and counting process respectively, which does not cover the period during which a polling station is being converted into a counting station, since neither polling nor counting is in progress at that time. We therefore support EAC's recommendation of merging the roles of polling and counting agents under which it would be clear that all agents, except election expense agents, are entitled to remain or get into the station before, during or after the close of poll.

### **Problem in Compilation of Voter Turnout Figures**

2.48 Instead of following the past practice of relying on person to person calls, a computerized telephone system called IVRS, which was

firstly used to collect electoral figures on the polling day in the 2003 DC Election, was adopted in the Election to automatically collect electoral statistical figures through telephone calls from the polling and counting stations. The hourly voter turnout figures of 501 polling stations for GCs and FCs and the counting results from 485 counting stations for GCs were two main types of statistical information collected through the system in the Election. The EAC Final Report has given a detailed account of the problem of the system in the compilation of voter turnout figures on the polling day including findings of an investigation conducted by a separate team of REO.

2.49 REO's investigation concluded that there was a shortfall in the design of the software programme which seriously impaired the capacity and performance of the database server to retrieve records and perform calculation and led to the failure of the voter turnout figure reporting function of the system. As a result, many polling stations failed to complete the report on the voter turnout figures (mainly the FC-related figures) in the designated 15-minute interval (viz. the second quarter of each hour) with effect from about the third reporting period (i.e. 10:15 am – 10:30 am). In addition, the test cases conducted did not represent the real life situation. Instead of testing the system on the basis of one GC and 28 FCs per polling station, the test cases that were drawn up to simulate the reporting process of each polling station consisted of voter turnout figures for one GC and one FC only. There was also no detailed contingency plan for software system failure. The investigation concluded that the subject team of REO (i.e. the Technical Services Team)

relied too heavily on the Continuous Technologies International Limited (“CTIL”), the vendor, in preparing the test plan and devising the contingency measures in case of system failure.

2.50 In view of the technical problems with IVRS in compiling the voter turnout figures, the Technical Services Team of REO had concern about the integrity of the figures and hence decided to conduct an overall verification of all voter turnout data manually with CTIL after the close of poll. According to REO’s investigation, the merging of the updated data (i.e. data verified manually) from the back-up database with the old data in the online database (i.e. data supplied through IVRS) led to the “abnormal” increase of the final voter turnout rate to 69% as shown on the IVRS computers after the announcement of the provisional total turnout rate of 53% by the Chief Executive at around 11:30 pm on the polling day. This was because during the merging process, the updated and old data existed at the same time. In view of the “abnormal” voter turnout rate at 69%, EAC decided to suspend the announcement of the counting results until the completion of the manual verification of the voter turnout figures at around 6:30 am on 13 September 2004 though all counting stations had successfully reported the figures through IVRS and the AROs had authorized the counting results from 3:53 am to 5:44 am.

2.51 While admitting the design flaw in the software that led to the failure of the voter turnout figure reporting function, CTIL reiterated at its meeting with the Committee that the system did successfully collect counting results when the manual verification of the final voter turnout

figures of all the polling stations was conducted. Hence, they did not agree that the delay in the announcement of the counting and election results was caused by the failure of the voter turnout figure reporting function of IVRS. They claimed that the manual verification could have ended earlier had they not been informed that the vote counting was still underway. We note from the EAC Final Report that REO would seek legal advice from the Department of Justice on appropriate follow-up action with CTIL including the question of possible compensation. In this regard, we would like to highlight that views collated by the Committee including those from the meetings with the representatives of the Technical Services Team of REO and CTIL were for the purpose of conducting the review and compiling this report only.

### *Committee's Observations*

2.52 Apart from meeting the Technical Services Team of REO and CTIL, the Committee has also examined related information including the User Requirement Specification Document, the server log and call log, the system configuration diagram, and the contract for the system. We consider that there was no problem with the User Requirement Specification Document. The major causes of the failure of the voter turnout figure reporting function of IVRS were the design fault and deficiency of the testing conducted on the system.

2.53 The system was designed in a way that every time when the accumulated voter turnout figure was calculated, the calculation started

from the very first reporting period and hence required more capacity for the data involved and took a longer time to complete when the poll went on. It is obvious that the size of the turnout figures (i.e. the data involved) was under-estimated. Hence, the system had started to have difficulty in processing the inputs from 501 polling stations in the same 15-minute reporting interval since the third hourly reporting period. As a result, calls were cut off when only partial reporting was made and some stations could not even get in the system. In this regard, we also consider that the design of the system is not satisfactory for allowing incomplete figures to be collected to compile the total turnout figure for each GC and FC.

2.54 As regards the testing conducted, we are surprised to find that the Users Acceptance Test (“UAT”) only focused on the concurrent transactions of one GC and one FC. Although REO had conducted four rounds of “End-to-End” testing under which test cases of about 20 users were entered into IVRS from 7:30 am to 10:30 pm continuously for 15 periods of time, the cumulative effect of inputs from 15 reporting periods involving one GC and 28 FCs (or at least 17 contested FCs) had not been tested. Hence, the tests conducted were functional tests rather than capacity tests. In this regard, we consider that being the end-user, REO should work out some realistic scenarios for the UAT rather than relying on the test plan devised by CTIL. The design flaw would have been discovered if a real life test involving inputs from 501 stations on the returns for one GC and 28 FCs (or 17 FCs) for 15 reporting periods was conducted or if there was a trial run for the system. In addition, apart

from the contingency plan for hardware failure as provided with the system, there should also be a fallback plan on manual compilation of the figures in case of any breakdown of the reserve hardware or any software problem like the one occurred on the polling day.

2.55 We have also examined how the system failure was handled on the polling day. It is beyond doubt that both the Technical Services Team of REO and CTIL had tried their best to identify the problem and take remedial action as soon as possible. A patch was developed by CTIL to help rectify the problem. However, in our view, it is risky to work on the production system. When executing a system or database recovery action on a production system, extreme care is required. For a software breakdown, if the database remains intact, we consider that it would be more desirable to compile the voter turnout figures manually. During the recovery process, since the system may not be processing data in the normal manner, any reporting process using the database (e.g. display of the total voter turnout figure on the IVRS computers) should also be suspended to avoid confusion arising from any inaccurate figures.

2.56 We note that the key personnel of the Technical Services Team of REO were Executive Officers and did not have any experience in the development, implementation and operation of IVRS and/or other information or information technology (“IT”) systems before joining REO. There was only one contract staff who had more than ten years of working experience in the IT field. In other words, the subject team lacks the experience and expertise in testing, implementing and



overseeing the mission critical system. They should have approached other professional departments for assistance rather than relying solely on the vendor.

2.57 Apart from the system used to compile the voter turnout figures, it has come to our attention that polling staff of each ballot paper issuing desk were required to compile various statistical returns on an hourly basis by filling in a number of forms, which included –

- (a) the hourly return on age and sex profile of GC electors (i.e. P(16) **at Annex E(1)**) by using each of the five strokes in the Chinese character 正 to record the related information of every GC elector who had been issued with a ballot paper and adding the number of characters written together with the unfinished one to get the total number;
- (b) the hourly control sheet on GC ballot papers issued (i.e. P(12) (GC) **at Annex E(2)**) by filling in the serial numbers of the counterfoils of the ballot papers in hand before and after the reporting hour and those received from PRO during that period; and
- (c) the hourly control sheet on FC ballot papers issued (i.e. P(12) (FC) **at Annex E(3)**) by filling in the serial numbers of the counterfoils of the ballot papers of each FC in hand before and after the reporting hour and those received from PRO during that

period.

APRO (Statistics) of each polling station was required to compile the statistical returns on the hourly voter turnout for the GC (i.e. P(15) **at Annex E(4)**) based on the returns from each issuing desk on item (a) above, and on the hourly voter turnout for each FC (i.e. P(20) **at Annex E(5)**) based on the returns from each issuing desk on item (c) above. The Deputy Presiding Officer (“DPRO”) then needed to report the hourly voter turnout figures for the GC and FCs collated by the APRO to the Statistical Information Centre (“SIC”) of CCC through IVRS. All of the above-mentioned compilation and reporting work had to be conducted in the same 15-minute reporting interval mentioned in paragraph 2.49 above. It is worth noting that even before the failure of IVRS, there were over 60 polling stations that either failed to report any voter turnout figure or had reported only partial voter turnout information in the first two hourly reporting periods though there was a possibility that the polling staff concerned were occupied by other issues such as handling of complaints and hence could not make the hourly report. We are however of the view that the need for the polling staff to compile a number of statistical returns on an hourly basis would unavoidably increase their workload and exert pressure on them on the busy polling day, and the accuracy of the returns compiled including the voter turnout figures may be affected as a result. In addition, some returns, such as items (a) and (b) quoted above, were duplicate to a certain extent and hence there is room for streamlining.

2.58 Although compilation and announcement of the voter turnout figures is not a statutory requirement, the figures are important to the stakeholders in an election including candidates and their agents. SCA also pointed out at his meeting with the Committee that the voter turnout figures formed an essential part of an election as the figures would indicate the voting trend and serve as a check and balance mechanism for ensuring the integrity and impartiality of the election. These views were shared by the three political parties which the Committee has met. We therefore consider that the reliability and accuracy of the voter turnout figures should not be compromised and their importance should not be downplayed by the fact that they were indicative figures only.

### **Delay in Announcement of Election Results without Explanation**

2.59 As set out in paragraph 2.48 above, collecting the counting results of GCs from 485 counting stations was one of the main functions of IVRS adopted in the Election. All counting stations successfully reported the figures through the system. The time that the ARO authorized the counting result of the last counting station in each GC ranged from 3:53 am to 5:44 am on 13 September 2004. However, in view of the “abnormal” total voter turnout rate of 69% as shown on the IVRS computers at around 11:30 pm on 12 September 2004, EAC decided to suspend the release of the counting results until the completion of the manual verification of the voter turnout figures at around 6:30 am on 13 September 2004. The election results were then announced from about 7:45 am to shortly after 12 noon. The announcement of the

results had been further delayed because candidates of the Hong Kong Island GC requested a re-count of all the votes in the constituency when the counting result was released at about 6:30 am.

2.60 There was criticism about the delay in the announcement of the election results. According to the three political parties which the Committee has met, there was no announcement or explanation on the delay and this, together with the overcrowding problem of the Press Centre, had aroused much discontent.

#### *Committee's Observations*

2.61 We understand from both EAC and REO that on the polling day, the former was not aware of the root cause for the failure of IVRS in the compilation of the voter turnout figures, not to say the reason for the sudden increase in the final voter turnout rate to 69% as shown on the IVRS computers during the manual verification process, and hence lost confidence in IVRS when noting the “abnormal” total voter turnout rate. In our view, EAC’s decision of deferring the release of the counting results and the announcement of the election results pending the completion of the manual verification of the voter turnout figures is understandable, though the delay could have been avoided had REO explained to EAC how IVRS worked in compiling the voter turnout figures and the reason for the sudden increase in the final voter turnout rate.

2.62 According to the three political parties which the Committee has met, they were not aware of the failure of the voter turnout reporting function of IVRS and the subsequent decision made by EAC to postpone the release of the counting results and announcement of the election results on the polling day. The display of all data on the video walls in the Press Centre had been suspended after 4 am on 13 September 2004 with no announcement or explanation. Such lack of transparency has led to unnecessary suspicion and discontent. We consider that EAC should have acted more proactively and made public announcements on why the release of the counting results and the formal announcement of the election results were delayed. In our view, the public relations work had not been done properly on the polling day.

### **Ballot Discrepancies in Some FCs**

2.63 According to the two EAC reports, a few candidates from four FCs, namely the Social Welfare FC, Labour FC, Accountancy FC and Health Services FC, claimed that the number of cast ballot papers counted had exceeded the number of voter turnouts as announced. There were also two complaints alleging that the number of votes counted was 350 less than the number of ballot papers issued for the Education FC. EAC has investigated into the cases and details of the findings are set out in the two EAC reports. The investigation concluded that there were recording and computation errors about the voter turnout figures partly because of the system failure of IVRS, but the election results had not been affected. EAC also stressed that the voter turnout figures announced on an hourly

basis were meant for provisional reference only. Insofar as the ballot papers counted were equal to or smaller than the figures of the ballot papers believed to have been cast as shown by the ballot paper account, one could be quite sure that there was nothing that should give rise to concern.

2.64 Some submissions received by the Committee (mainly from PROs and ROs) pointed out that it was confusing for a polling station to deal with both GC and FC votes at the same time and there were suggestions that separate polling stations should be provided for the election of FCs. Some political parties which the Committee has met also raised concern about the way in which FC ballot papers were issued. According to them, electors were told to go to a separate issuing desk to get the FC ballot papers where they were no longer required to show their identification or any proof of their eligibility as FC electors. The arrangement is different from the electoral procedure drawn up by REO under which both GC and FC ballot papers would be issued at the same issuing desk after the identity of an elector is checked against the Final Register.

#### *Committee's Observations*

2.65 We accept the findings set out in the two EAC reports but consider that there is a need to improve the reliability and accuracy of the voter turnout figures though they only serve as an indicator and neither compilation nor announcement of the figures is a statutory requirement.

As mentioned in paragraph 2.57 above, the various statistical returns that each polling station is required to compile and the forms that they need to fill in on an hourly basis will increase the burden of the polling staff and make them more prone to mistakes on the busy polling day. We consider that polling staff should put their focus on the polling and counting work and leave the compilation of statistics other than the voter turnout figures (e.g. sex and age profile of electors) to a later stage, which should be technically feasible based on the electors' HKID numbers. In addition, the statistical returns required from polling stations should be streamlined as far as possible. For example, given that the hourly GC voter turnout figures are compiled through the writing and counting of the Chinese character 正, we do not see the need for keeping the hourly control sheet on GC ballot papers issued based on the serial numbers of the counterfoils of the ballot papers.

2.66 To facilitate FC electors, we consider that the arrangement of allowing the casting of both GC and FC votes in the same polling stations should continue. Given the small number of FC electors involved in a polling station, we have no objection to designating a separate issuing desk for all FC ballot papers. However, there should be safeguards to ensure that the ballot papers are issued to eligible electors only.

### **Other Issues**

2.67 There are some other problems regarding the practical arrangements on the polling day such as the inadequacy of assistance

provided to those with mobility problems including the disabled and the elderly. As explained earlier, we have decided to put our focus on those major problems that led to the chaos on the polling day. We will refer other problems mentioned in the submissions received, which are relatively minor in nature, to the relevant authorities for follow-up action.

2.68 We have also examined two issues that are related to the practical arrangements on the polling day though they were not causes of the chaos, viz. the practice of asking polling staff to bring ballot papers home in advance, and the issue of “TENDERED” ballot papers. Although they may not fall squarely within our terms of reference, we would like to set out our views for the consideration of the authorities concerned so as to further improve the electoral process.

#### *Bringing Ballot Papers Home by Polling Staff*

2.69 We note that following the established practice, in the Election, some PROs and other polling officials were requested to bring home about 40% of the ballot papers required for the entire registered electorate of their respective polling stations and carry them to the polling stations before the commencement of the poll. As mentioned in paragraph 2.12 above, 35 REO vehicles were deployed to deliver ballot papers to 281 polling stations at 7:45 am on the polling day in order to increase the stock of the papers up to 100% of the registered electorate. As explained by REO, the new ballot papers were too heavy for the polling officials to keep with themselves more than 40%. On the security of this



arrangement, REO pointed out that the counterfoil of each ballot paper had a serial number, and any anomalies could be easily detected and appropriate action would be taken. Such practice had been in use for many years and there was no record of any malpractice. Upon our enquiry, REO also pointed out that delivery of all ballot papers to the 501 polling stations before the commencement of the poll was not feasible since it took about 40 - 45 minutes for the polling staff of each station to complete the checking on the ballot papers allocated including the serial numbers of their counterfoils. Advance delivery was also not feasible as it would pose security problem and the papers would require over-night guarding.

#### *Committee's Observations*

2.70 Although the practice had been in use for many years, we consider that it is not a satisfactory arrangement since it would arouse unnecessary suspicion and concern about the integrity of the election. We suggest that arrangement should be made for each PRO to check in advance the ballot papers and other electoral equipment to be allocated to his polling station. After the checking, the items would be sealed with the respective PROs' signature and then delivered by REO to the respective stations on the polling day before the commencement of the poll.

### *Issue of “TENDERED” Ballot Papers*

2.71 As explained in the EAC Final Report, under section 60 of the EAC(EP)(LC) Reg (Cap. 541 D), where a person representing himself to be a particular elector or authorized representative (“AR”) asks for any ballot paper at a polling station after a person has been issued with any ballot paper earlier as such an elector or AR, he will be issued with a ballot paper with the word “TENDERED” endorsed on the front. Such a ballot paper even after insertion into the ballot box will not be counted as a valid vote. There were complaints that such an arrangement would in effect deprive the elector of his right to vote.

2.72 Some submissions received by the Committee pointed out that there were cases in which an elector was told that another person with the same HKID card number had already voted when he turned up for voting. The elector was given a “TENDERED” ballot paper but was not told that the paper would not be counted.

### *Committee’s Observations*

2.73 While fully appreciating the need to avoid a person from deliberately impersonating another elector or trying to cast his vote twice intentionally, we consider that an elector’s right to vote should also be respected and protected. All practicable measures should be adopted to avoid crossing out of the name of an elector from the Final Register

because of human errors. The PROs concerned should also be informed whenever such cases are found. He should explain to the elector concerned the existing arrangement including the rationale for issuing a “TENDERED” ballot paper and take the initiative to report such cases to the Police for follow-up action.

## **CHAPTER 3 CAUSES OF THE PROBLEMS**

### **Introduction**

3.1 To draw up measures to improve the management, planning and conduct of future elections, we have to further evaluate the problems identified in Chapter 2 to find out the main causes of these problems. We have examined the problems from five aspects, viz. organization, planning, preparation, operation and communication. This Chapter outlines our findings and observations.

### **Organization**

#### *Roles and Responsibilities of CAB, EAC and REO*

3.2 CAB, EAC and REO are the three key organizations responsible for the policy and operational matters relating to the management, planning and conduct of elections in Hong Kong. In this section, we would examine the working relationship of these three bodies to see whether the existing organization structure is conducive to the conduct of elections in an open, honest, fair and efficient way. CAB is the policy bureau on constitutional affairs which takes care of, inter alia, policy on electoral affairs. In this aspect, CAB is mainly responsible for formulating electoral policies and enacting related principal legislation. EAC is an independent body set up under the EAC Ordinance (Cap. 541). It comprises three non-official members appointed by the Chief

Executive including the Chairman, who must be a Judge of the High Court. The statutory functions of the Commission include conducting and supervising elections, and making arrangements as it considers appropriate for the purpose of ensuring that elections are conducted openly, honestly and fairly. REO is the executive arm of EAC. It is a government department and under the charge of the CEO (a Directorate Staff at the rank of Senior Principal Executive Officer), provides the Commission with administrative support in the discharge of its statutory functions under the EAC Ordinance (Cap. 541).

3.3 EAC is empowered under the EAC Ordinance (Cap. 541) to make regulations relating to the conduct of an election. Examples included the EAC(Electoral Procedure)(Legislative Council)(Amendment) Regulation 2004 that was passed by LegCo on 9 July 2004 to implement, among others, the polling-cum-counting arrangement for GC votes in the Election. EAC may also issue guidelines on election-related matters under the Ordinance. REO assists EAC in the drafting and publication of the regulations and the guidelines. CAB, being the policy bureau on electoral affairs, is responsible for tabling the election-related regulations at LegCo and in line with established practice, takes the lead to attend LegCo meetings with REO (e.g. the CEO) to explain the regulations drawn up by EAC. This may cause confusion about the role of CAB, EAC and REO in electoral affairs and their relationship. In fact, neither EAC nor REO works to CAB but CAB has unavoidably been keeping liaison with the two bodies on electoral matters. For example, for the Election, CAB had attended the EAC meetings on draft

election-related regulations, and reminded EAC and REO of the need to ensure a sufficient supply of ballot papers and ballot boxes as a high voter turnout rate was expected. The actual planning and implementation work relating to the practical arrangements for an election are undertaken by REO under the direct command of EAC. In this regard, SCA had stressed at his meeting with the Committee the importance of ensuring the independence of elections from the Administration and the need to respect the independent statutory role of EAC in conducting and supervising elections.

3.4 For the Election, the EAC Chairman confirmed that EAC was responsible for devising the general policies and principles for the conduct of the election while REO took care of all the logistics and implementation details. Major issues, including matters relating to the preparation for the delineation of GCs, the draft amendment regulations, the draft electoral guidelines, adoption of the polling-cum-counting arrangement for GC votes, the rates of honorarium to polling and counting staff and the design of the new GC ballot paper and ballot box, were discussed at EAC meetings. According to the EAC Chairman, there were no regular meetings between EAC and REO but he had maintained close liaison with the CEO and did not consider that there was any problem with the communication between EAC and REO. We also note that REO had not conducted any briefings for EAC on the details of the practical arrangements on the polling day.

3.5 We note the merit of the existing organization structure of having EAC as an independent statutory body to conduct and supervise elections, and the resultant peculiar relationship among CAB, EAC and REO. However, given that EAC comprises only three non-official members working on a part-time basis without their own staff but just the secretariat support provided by REO, we have reservation on whether EAC is adequately equipped and able to closely supervise REO's daily work. For example, it is difficult to expect EAC to be closely involved in the capacity tests for the new GC ballot box and the UAT for IVRS. We understand that REO has informed EAC that the number of ballot boxes ordered was based on the results of the capacity tests but not the details of the tests such as the type of papers used in the tests. In addition, EAC members may lack the expertise or experience involved in making the practical arrangements for the Election such as the IVRS adopted in compiling the voter turnout figures and counting results. We consider that it is understandable for EAC to rely heavily on its executive arm, i.e. REO, on planning and making the operational arrangements for the polling day, in particular the implementation details.

3.6 On the other hand, REO is a government department while EAC is an independent statutory body made up solely of non-official members with no hire-and-fire power over REO. The line of command between the two bodies is not clear and "normal" when compared with the typical working relationship between a policy bureau and its working or professional department. Because of the nature of EAC and the existing mode of operation, REO may lack the necessary guidance and

supervision in their daily work. In addition, it is noted that the EAC Chairman and the then CEO have worked in their respective position in EAC and REO for more than seven years and have gradually developed a close working relationship. Because of the trust in each other and their close contacts, many issues might be reported or sorted out through informal communication between them instead of at formal meetings.

3.7 There were suggestions that REO should work under a policy bureau (e.g. CAB or the Home Affairs Bureau) and then EAC should play an overall monitoring role. This however may compromise the independence of the electoral process and defeat the whole purpose of the design of the existing organization structure, and is not desirable.

#### *Set-up of REO*

3.8 According to an established practice in place for over ten years, the civil service establishment of REO is adjusted in response to the electoral cycle. REO has a core establishment of 112 permanent posts mainly filled by general grades staff such as Executive Officers and Clerical Officers. Time-limited civil service posts will be created on a project basis for the preparation and conduct of LegCo and DC elections, and dealing with election-related complaints. Non-civil service contract (“NCSC”) staff will also be recruited to assist in the preparation of the elections. For the 2004 Voter Registration Drive and the Election, REO created four and 32 time-limited civil service posts respectively, and also recruited over 450 NCSC staff for the Election at the operational peak.



A new team named the Elections Division under the charge of a Chief Executive Officer will be set up in REO with some staff redeployed from other divisions in the election year to take care of the planning and implementation of the operational arrangements for the polling day. The organization structures of REO in a non-election and an election year respectively are **at Annex F**.

3.9 The senior management of REO is made up of experienced officers from the Executive Officer Grade who are professional managers in resource and system management. The CEO was supported by four officers at the rank of Chief Executive Officer who normally have over ten years of working experience in the Grade. Most of the REO permanent staff are general grades staff who are subject to posting every three to four years. Hence, there is a constant loss of experienced staff. This arrangement, in particular when involving the key personnel of REO, may have an adverse impact on the performance of the department when facing unexpected crisis. In this regard, it was noted that the head of the Elections Division concerned, who was also the Chief Commander in charge of CCC on the polling day, had participated in the conduct of the 2003 DC Election but not previous LegCo elections.

#### *Check and Balance Mechanism*

3.10 Existence of a check and balance mechanism can facilitate early identification and resolution of problems in a working process or in an organization, and is also vital to ensuring the integrity of an election.

We consider that an effective check and balance mechanism did exist in the electoral process to ensure that the Election was conducted openly, honestly and fairly despite the chaos on the polling day. For one thing, candidates might appoint election/polling/counting agents to assist them in closely monitoring the electoral process including sealing and opening of ballot boxes and determination of questionable ballot papers by PROs. In addition, two polling officers were required to work in pairs at each ballot paper issuing desk. After one of the officers had checked the elector's identification against the entry on the Final Register, the other officer would cross-check the information before deciding whether a GC (and FC as appropriate) ballot paper should be issued. When the vote counting (and re-counting, if necessary) at a counting station was completed, the PRO would report the counting result to SIC of CCC through IVRS. The ARO of the GC concerned would call back the PRO to verify the counting result before reporting the data to the RO. In addition, candidates/agents might request a re-count when the counting result of a counting station was announced at the station or when the counting result of a GC as a whole was released at the Central Counting Station.

3.11 On the other hand, because of the peculiar relationship among CAB, EAC and REO and the relatively "informal" and "unclear" line of command between EAC and REO as mentioned in paragraph 3.6 above, the existence and if so, the effectiveness of the check and balance mechanism for the practical arrangements on the polling day is put to doubt. In this regard, it is worth noting that REO did not make any

formal report to EAC (not to say CAB) about the shortage of GC ballot boxes on the polling day. According to the EAC Chairman, he was only aware of the severity of the problem in the afternoon when it was reported in the news reports on radios and televisions that some electors had been refused entry into polling stations because all ballot boxes were full.

3.12 The check and balance mechanism also did not seem to work effectively within REO when the details of the practical arrangements for the polling day were drawn up. As set out in Chapter 2, in our view, over-estimation of the capacity of the new GC ballot box was the main cause of the shortage problem that led to the adoption of a number of controversial stopgap measures and the resultant chaos and complaints on the polling day. The estimation was based on two capacity tests conducted by REO staff. Given the importance of ensuring the sufficiency of ballot boxes in an election, there should have had a mechanism under which the results of the capacity tests would be cross-checked by a separate team in REO to avoid any possible mistakes arising from, say, errors committed when conducting the tests or unsound personal judgement of the staff concerned. However, even at the meetings with the Committee, REO could not explain why no further capacity test was undertaken for the new GC ballot box when the design of the new GC ballot paper and the type of papers used was confirmed. Neither could they explain why the design flaw of the new GC ballot box (i.e. the ballot papers inserted into the ballot box did not fall into a neat pile as expected) could not have been discovered during the capacity tests,

which should be quite obvious according to the tests conducted by the Committee. Similarly, the inadequacy of the UAT on IVRS was considered as one of the main reasons for the failure of the system on the polling day. The Technical Services Team of REO is responsible for overseeing the project and testing the system with CTIL, the vendor. When conducting the investigation after the Election, a separate team in REO criticized that the test cases in the simulation did not represent the real life situation. Such a fundamental problem should have been revealed if there was an effective check and balance mechanism within REO on these critical tasks.

## **Planning**

3.13 The two EAC reports highlighted that the introduction of two types of new electoral equipment, viz. the new GC ballot box and ballot paper, and the polling-cum-counting arrangement for the first time altogether for a large-scale general election had caused serious unforeseen problems affecting the smooth conduct of the poll in a number of polling stations in the Election. To the Committee, the new measures were drawn up with good intention - to facilitate electors and candidates by providing more information on each candidate on the ballot paper and speeding up the counting process. However, given the scale of the Election, that involved the registered electorate of 3,207,227 and 199,539 for GCs and FCs respectively, and the adoption of a number of new features for the first time, every key stage and step of the electoral process should have been thought through beforehand. If there were

sufficient planning over all the resources required including manpower, electoral equipment and the related contingency plans, most, if not all, of the problems occurred on the polling day could have been avoided or at least their extent and the subsequent impacts could have been reduced to the minimum.

### *Manpower*

3.14 On manpower, since the electoral process is quite labour intensive, sufficiency of electoral staff and their quality are vital to the smooth conduct of the poll. As in previous general elections, REO launched a service-wide recruitment exercise to invite suitable serving civil servants from various government departments to serve as electoral staff for the conduct of the Election. REO has advised that the general response to the recruitment exercise was moderate. Out of a total of 21,815 applications received, 14,969 staff were appointed as polling and counting staff. There were fewer choices of candidates for the appointments as compared to the recruitment exercises in previous elections (25,000 and 22,000 applications were received for the 2000 LegCo Election and the 2003 DC Election respectively). It is however hard to establish whether the slight decrease of the honorarium (about 5.9%) for polling and counting staff in the Election as compared with that in the 2003 DC Election because of the civil service pay cut had resulted in the less encouraging response. With the adoption of the polling-cum-counting arrangement for GC votes, polling staff of 485 polling stations were required to take up counting duties as well. All

polling-cum-counting staff were required to work on one single shift throughout the poll though PROs were asked to make their own arrangements for their staff to take breaks to have meals, take rest and cast their votes. Even without any unexpected incidents like those on the polling day, the staff were expected to work continuously for over 20 hours. Even with some breaks, the shift was so long that the staff were unavoidably more prone to fatigue and would make mistakes more easily. We therefore have strong reservation on the manpower planning for the Election.

3.15 There were also comments that the long working shift had driven away some experienced polling/counting staff and hence resulted in the chaos. According to REO's records, out of the 14,969 polling and counting staff recruited, 9,713 (about 65%) were experienced and have worked in one or more previous elections. Among the 516 PROs (15 as reserve), 412 (79.8%) were experienced and 306 of them have served as PROs in past elections. REO does not consider that the polling and counting staff were inexperienced and that inexperience of the staff was the reason for the chaos on the polling day. In our view, the incidents/complaints mentioned in Chapter 2 or the EAC reports have clearly shown that at least some PROs were not familiar with the electoral procedure and the related statutory requirements. This view was also highlighted by some political parties and ROs respectively at their meetings with and in their written submissions to the Committee. We also have reservation on the ability of some PROs in handling the unexpected incidents on the polling day, which may be affected by their

experience. Besides, it is noted that polling staff spent much of their time in dealing with complaints from candidates/agents/public and many of the complaints were electioneering-related. To enable the polling staff, in particular PROs, to concentrate on the polling work, we suggest that consideration should be given to prohibit electioneering on the polling day.

### *Venues*

3.16 As regards polling stations, apart from ensuring that there are sufficient stations so that electors do not need to travel too far to cast their votes, it is also important to make sure that the location, size and physical setting of the venues concerned are suitable for use as polling stations. As mentioned in Chapter 2, overcrowding of some stations was one of the major problems causing the chaos on the polling day. It is also worth noting that according to some PROs, their respective polling stations were so small that it was difficult to convert them into a counting station, especially within 30 minutes as required (in this regard, it is noted that the Operation Manual only stipulates that the conversion should be completed as soon as possible). Such problems should have been revealed and hence appropriate advice could have been given to the PROs concerned in advance if each potential venue had been inspected carefully beforehand.

3.17 REO also considered that HKITEC was less desirable than Hong Kong Convention and Exhibition Centre (“HKCEC”) for setting up the

CCC in terms of location and size of the venue. However, since HKCEC was not available on the fallback day (i.e. 19 September 2004), REO booked HKITEC instead for the Election. Different teams of CCC were located in various venues and even those stationed in HKITEC were located in two separate floors, which was not conducive to effective communication and co-ordination when facing crisis. While appreciating REO's difficulty in booking HKCEC for setting up CCC before the election date is decided (that normally takes place at the beginning of the election year or at the end of the preceding year) as full payment is required, we consider that REO should further liaise with the venue management on feasible ways to pencil-mark the venue as early as possible or locate other suitable venue.

### *Electoral Equipment*

3.18 We consider that ballot papers and ballot boxes are the two most important types of electoral equipment and it should be REO's prime mission to ensure their sufficient supply and security on the polling day. As elaborated in Chapter 2, the new GC ballot box was supposed to be tailor-made for the new GC ballot paper so that ballot papers inserted after being folded once into the ballot box would fall into a neat pile and could be retrieved readily for counting. We agree with REO's approach of taking an overall view over the planning of the new GC ballot paper and ballot box. However, sufficient attention should have been given to the capacity tests since they were the basis for deciding the number of ballot boxes ordered. If there were good planning, the capacity tests



should have been conducted with the papers used for printing the new ballot papers. The reason given by REO that they were occupied by other electoral work when the design and papers used for the new GC ballot paper were confirmed was not a convincing reason for not re-testing the capacity of the new ballot box.

### *Contingency Plans*

3.19 According to REO, contingency plans for the Election were mainly drawn up based on experience gained from previous elections. As set out in the EAC Final Report, contingency measures were put in place to cater for unforeseen circumstances such as inclement weather or other emergencies like fire or power failure. In addition, four emergency depots with reserve staff were set up to replenish supply of electoral equipment, and polling/counting staff when necessary. The arrangement was however proved to be not sufficient or effective to cater for a wide-spread shortage of electoral equipment on the polling day. There was also a lack of a readily available contingency plan for manual compilation of the key statistical returns such as voter turnout figures in case of the failure of IVRS. The Emergency Plan activated by REO with CTIL to verify the voter turnout figures of the 501 polling stations after the close of poll was drawn up on the polling day.

3.20 While agreeing that it is very difficult, if not impossible, to draw up plans for every possible scenario that may or may not occur, we consider that there should be an effective crisis management system to

enable prompt decision and action to be taken on all contingencies including those unthinkable ones. In this regard, a monitoring and reporting system over the operation of the 501 polling stations is essential. However, such system did not seem to exist or did not work effectively on the polling day. We note that 18 DLOs were appointed as the contact officers or co-ordinators between the PROs in each District and the respective RO/AROs, and also between the polling stations in the District and CCC. He should keep RO and CCC informed of significant events in the District. However, CCC's reaction and handling of the requests for additional GC ballot boxes from polling stations on the polling day have reflected that it failed to have an accurate assessment of the overall situation including the extent and severity of the shortage problem, and implement a well co-ordinated replenishment plan accordingly.

## **Preparation**

3.21 In this section, we will examine whether sufficient preparatory work has been done for the Election. It is to a certain extent related with the planning for the Election set out in the previous section.

### *Training*

3.22 Training plays an important role in preparing the staff concerned to better discharge their duties. We note that a general briefing of about three and a half hours was conducted for all polling-cum-counting staff to enable them to have a general idea of the electoral arrangements for the

Election. An intensive briefing of about three hours was also conducted for all PROs and DPROs to familiarize them with the relevant provisions of the electoral legislation, guidelines and so on. The related CD Rom was also distributed to all APROs after the briefing. In addition, a workshop of about three hours on compilation of statistics was organized for all DPROs, APROs and other polling officers responsible for compiling statistical returns on the polling day. A general briefing of about two hours and a mock counting session of about three hours were organized for the some 750 FC counting staff. The EAC Chairman also conducted a general briefing for ROs, and a separate briefing for candidates/agents on the electoral legislation and guidelines. In addition, an Operation Manual was issued by REO to the PROs, DPROs and APROs.

3.23 Based on the views received by the Committee, there were calls for enhancing the training of polling staff, in particular that for PROs. We have also received comments from both political parties and ROs that the performance of PROs was uneven and that some PROs were not familiar with the electoral procedure and related requirements. Some PROs whom the Committee has met pointed out that the Operation Manual was not distributed before the briefing session as in previous elections and hence they had no chance to study the Manual beforehand and raise questions, if any, at the briefing. Our assessment of the major problems on the polling day as set out in Chapter 2 also revealed that the staff concerned, including those of CCC and the polling staff, were not well prepared for handling crisis like the one occurred on the polling day.

In addition, we note that there was no tailor-made training for those REO staff responsible for handling enquiries or calls for assistance from polling stations. The way that the staff of CCC Helpdesk 2 had handled the requests for additional GC ballot boxes from polling stations as revealed by the PROs at their meetings with the Committee has clearly shown that the staff did not discharge their duties properly.

3.24 In addition, there were comments that the related training/briefing for candidates/agents was inadequate. Although the EAC Chairman did conduct a general briefing for all candidates/agents on the electoral legislation and guidelines, the fact that not all of the counting agents concerned were able to challenge the decision of the PROs based on the related statutory requirements<sup>3</sup> when they were not allowed to enter or were evicted from the polling station when it was converted into a counting station has reflected that there is room for enhancement of the training/briefing for candidates/agents, in particular those newcomers. This would help reduce complaints arising from misunderstanding of the related requirements and procedures and hence relieve polling staff to do other electoral work.

#### *Other Preparatory Work*

3.25 There was other evidence showing that the preparatory work for the Election had not been done comprehensively enough. For example,

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<sup>3</sup> As explained in paragraph 2.43, the EAC(EP)(LC) Reg (Cap. 541D) and the Guidelines stipulate that a candidate as well as an election agent and a counting agent of such candidate may stay in a polling station while it is closed for the preparation for the counting of votes.

there were errors in the Operation Manual that led to the eviction or exclusion of candidates or their agents from polling stations as detailed in Chapter 2. The shortage problem of GC ballot boxes and the system failure of IVRS were mainly due to the problems with the tests conducted on the capacity of the new ballot box and that of IVRS respectively.

## **Operation**

### *Set-up of CCC*

3.26 CCC set up by REO was responsible for co-ordinating and monitoring the electoral arrangements on the polling day. To evaluate the problems leading to the chaos on the polling day from the operation aspect, we need to firstly examine the set-up of CCC. The major teams of CCC were located at different venues. The Central Command Post stationed at HKITEC in Kowloon Bay was under the charge of the head of the Elections Division of REO, who is at the rank of Chief Executive Officer. Under the Central Command Post, there were four main helpdesks/units. Helpdesk 1, stationed at Quarry Bay and under the charge of a Senior Executive Officer, was responsible for deployment of staff (including the 170 reserve polling staff stationed at the four emergency depots) and advising on the content of the Operation Manual. Helpdesk 2, stationed at HKITEC and under the charge of an Executive Officer I, was responsible for provision of electoral equipment to polling stations including ballot boxes. The Statistics Unit of SIC was stationed at HKITEC and under the charge of a Senior Executive Officer. It was

responsible for monitoring the reporting of statistics by polling/ counting stations including voter turnout figures and counting results, and providing the information to the Press Centre etc. The IVRS Hotline of SIC, stationed at Quarry Bay and under the charge of an Executive Officer I, was set up to handle enquiries from polling/counting stations on the use of IVRS. There was also an Election Enquiry Hotline in CCC, which was located in Wanchai and under the charge of a Senior Executive Officer, set up to answer general enquiries from polling stations and the public. It is worth noting that even those teams that were stationed at HKITEC were located at two separate floors. The organization of CCC including their locations is **at Annex G**.

3.27 Placing various teams of CCC in different locations would adversely affect the communication and co-ordination among the teams and in turn the performance of CCC especially when facing crisis. We do not consider it a satisfactory arrangement. For example, prompt response to the wide-spread shortage of GC ballot boxes required close co-ordination between Helpdesk 2, which oversaw the provision of ballot boxes, and Helpdesk 1, which was responsible for staff deployment including the 170 reserve staff. In this regard, it should be more efficient to ask the reserve staff stationed at the four emergency depots instead of the staff manning the hotlines of Helpdesk 2 in HKITEC to deliver additional ballot boxes to polling stations by taxi.

3.28 Similarly, apart from deploying a project manager at the Statistics Unit in HKITEC, CTIL was stationed at its office in Quarry Bay.

The Statistics Unit of CCC and CTIL mainly communicated by telephone on the polling day. This, again, was not satisfactory and not conducive to the effective handling of crisis like the system failure on the polling day including identification of problems and formulation of solutions.

3.29 Besides, we consider that the set-up of CCC including the level of the officers involved was not adequate to cope with the problems occurred on the polling day given their extent and implications. For example, handling the wide-spread shortage problem of GC ballot boxes required prompt action and good co-ordination among different teams of CCC as well as with other government departments. Given their severity and urgency, the problems should have been escalated to the CEO and EAC members without delay. However, the existing set-up of CCC did not comprise any system or special task force that can be triggered or formed when necessary.

### *Supervision*

3.30 Apart from providing adequate training and guidelines to the polling and counting staff, close supervision of the actual operation of the polling and counting stations on the polling day is also important for ensuring the successful conduct of the poll. In this regard, we note that each EAC member including the Chairman had his/her individual visit itinerary throughout the polling day that covered a total of 23 polling stations and 11 counting stations. They were accompanied by three senior officers from REO during the visits and the EAC Chairman was

accompanied by the CEO during his visits. These officers were responsible for assisting the EAC members in identifying areas for improvement, tendering advice to PROs and to help resolve problems, if any, on the spot. In addition, as mentioned in paragraph 3.20 above, DLOs were appointed to be the co-ordinators between polling stations and CCC. However, there was no inspection system enabling REO to have a close supervision on the actual operation of the polling/ counting stations. Based on the submissions received and the complaints set out in the two EAC reports, the requirements and procedures set out in the Operation Manual were not strictly observed in some polling stations. For example, in some polling stations, issue of FC ballot papers was handled by one designated issuing desk instead of being issued together with the GC ballot papers at different issuing desks as set out in the Operation Manual. In addition, the PROs did not consult CCC before resorting to use cardboard boxes as temporary ballot boxes pending the arrival of additional GC ballot boxes. Without an effective inspection system, REO is not able to closely monitor the operation of individual polling stations and above all, to ensure that the stipulated procedures and requirements were strictly followed. In addition, such an inspection system can enable CCC to have a better picture of the overall situation when there were widespread problems like the shortage of GC ballot boxes on the polling day.

#### *Re-counting Arrangement*

3.31 Under the established arrangement, any candidate/agent may



raise a request for re-count at a counting station when the counting result of the station is released or at the Central Counting Station when the overall counting result of a GC is announced. All counting staff are required to remain in the counting station until the counting results are announced upon completion of the counting of all counting stations in the same GC and there are no requests for re-count. The working hours of the polling-cum-counting staff were greatly extended in the Election under such arrangement. An alternative is to conduct re-counting upon requests made at the Central Counting Station by the Station itself instead of individual counting stations.

## **Communication**

3.32 Both effective internal communication and external communication are important for identifying and resolving problems at an early stage, and avoiding unnecessary misunderstanding that can be very damaging. Internal communication includes communication within REO, communication between EAC and REO, communication between CCC and the polling/counting stations, and communication between REO and other relevant bodies including CTIL and other government departments like the Police. As set out in Chapter 2, there are no formal regular meetings between EAC and REO and their communication is to a certain extent quite informal. In addition, there was no reporting system enabling timely reports on crisis like the widespread shortage of GC ballot boxes and the system failure of IVRS to the CEO and EAC on the polling day. That CCC was not able to fully recognize the severity of

the shortage problem of GC ballot boxes had reflected the ineffective communication between CCC and polling stations, which had affected the capability and performance of CCC in handling the crisis. We also consider that if there were better co-ordination with the Police in the replenishment of GC ballot boxes, the lead time between the requests were made and the arrival of the additional boxes for the polling stations should not have been so long.

3.33 It was also noted that neither EAC nor REO had made any announcements on the problems occurred on the polling day and the follow-up actions being taken, including the shortage of GC ballot boxes, EAC's decision to open the ballot boxes to rearrange the ballot papers inside the ballot boxes in the presence of candidates/agents/police officers pending the arrival of additional boxes, and the delay in the announcement of the counting results pending the completion of the manual verification of the voter turnout figures. We believe that enhancing transparency will enable the stakeholders to better understand what is going on, and hence avoid unnecessary suspicion and complaints and earn public understanding and support.

## **CHAPTER 4 CONCLUSIONS AND RECOMMENDATIONS**

### **Introduction**

4.1 Given the good track records of previous elections held in Hong Kong, we, like many other people in Hong Kong, are quite surprised by the chaos on the polling day. Based on the available information, we have tried the best to understand what had actually happened on the polling day, in particular the major problems leading to the chaos and how the problems were handled. We have also tried to analyze the problems from different management and operational perspectives with a view to identifying practicable measures to improve the management, planning and conduct of elections in future. This Chapter outlines the conclusions and recommendations we have made based on our assessment detailed in Chapters 2 and 3.

### **Conclusions**

4.2 When reviewing issues relating to the chaos on the polling day, we did not find any fundamental or major problems with the existing electoral system and procedure. Instead, the chaos was the result of a number of implementation problems that might not be insurmountable if they did not occur at the same time and the staff concerned were more prepared to handle a crisis like this. Based on the review and our observations on the problems as detailed in Chapters 2 and 3, we have reached some conclusions that are the lessons which all parties involved

should learn. They also form the basis of the recommendations we would like to make so as to improve the practical arrangements for future elections.

*Conclusion No.1 – Integrity of the Election upheld*

4.3 Although the chaos on the polling day has aroused great public concern and a lot of criticisms, the problems and discontent were mainly concerned with the practical arrangements on the polling day but not the election results. As confirmed by the three main political parties which the Committee has met, the election results were fair despite the chaos on the polling day. We are also satisfied that an effective check and balance mechanism and sufficient safeguards are available in the electoral process to ensure that the Election was held openly, fairly and honestly. To conclude, we consider that the quality of the Election as a whole was good and the integrity, fairness and impartiality of the election results were not compromised.

*Conclusion No.2 – Efforts of staff recognized*

4.4 Although some problems occurred on the polling day were obviously due to human errors or oversight, which in our view were avoidable, and could have been handled in a better way, it should be recognized that all parties involved including EAC, REO, polling and counting staff etc. had tried their best to tackle the problems on the polling day. With the record turnout rate of 55.64% involving about

1.78 million electors, keen competition of the election involving 35 lists of 88 candidates for the five GCs and adoption of a number of new features, including the new GC ballot paper and ballot box and the polling-cum-counting arrangement for GC votes, altogether for the first time, the personnel/staff concerned were working under great pressure. Many problems were beyond their expectations in view of the experience gained from previous elections. However, all the people involved had strived to resolve the problems and above all to ensure that the impact on the poll would be reduced to the minimum. For example, the impression we have got from the PROs whom the Committee has met is that although we have reservation on the stopgap measures they had adopted, they did try their best in those circumstances to avoid the poll from being interrupted or suspended because of the shortage of ballot boxes. In addition, despite the unexpected extension of the working hours that were already very long, the polling-cum-counting staff still remained in the stations and worked hard to complete the counting (and re-counting where appropriate) work so as to ensure that the election results could be announced as soon as possible. Without the efforts of the civil servants involved, the poll might need to be interrupted or postponed because of the chaos on the polling day. To conclude, we consider that the efforts of all parties involved, in particular the working staff in general, should not be ignored or undermined because of the chaos on the polling day.

*Conclusion No.3 – Importance of independence of the electoral process recognized*

4.5 The independence of the electoral process is important to ensure the integrity and impartiality of an election. Although there is room for improvement, the existing organization structure helps to ensure the independence of the electoral process. Major structural changes should not be implemented lightly. To conclude, we consider that the existing independence of the electoral process from the Administration should be retained and protected.

*Conclusion No.4 – Current set-up and mode of operation of EAC and REO not adequate to cope with their roles and responsibilities*

4.6 With the current set-up and mode of operation, it is difficult for EAC members to exercise close supervision over the daily work of REO or the detailed practical arrangements for elections. This can no longer fully meet the actual need and public expectations, in view of the increasing public interest and participation in elections, and the fact that as compared with previous elections, an election (in particular when a LegCo Election is involved) is expected to be larger in scale because of the increasing registered electorate, voter turnout rate and number of candidates, and involve issues that are more complicated and politically sensitive.

4.7 The turnover of key staff in REO once every three to four years (though not at the same time) is not conducive to accumulation of experience. The head of the Elections Division of REO, who was responsible for the planning and conduct of the Election including taking charge of CCC on the polling day, only had working experience in the 2003 DC Election but not the 2000 LegCo Election. Comprising mainly general grades staff, REO also lacks the technical expertise required for better discharging its duties in view of the advancement in IT and increasing public expectations. In addition, the line of command between EAC and REO is not crystal clear when compared with the typical working relationship between a policy Bureau and its working or professional department, and an effective reporting system does not seem to exist in practice despite their respective statutory roles in conducting and supervising elections in Hong Kong. The deficiency in the tests conducted by REO on the capacity of the new GC ballot box and IVRS have also reflected that there is a lack of an effective check and balance mechanism within REO on critical issues like these.

4.8 To conclude, we consider that the current set-up of both EAC and REO, and their mode of operation need to be strengthened to better equip them in discharging their statutory duties in conducting and supervising future elections.

*Conclusion No.5 – Mindset of REO staff be changed*

4.9 Maybe due to the good experience of the previous elections,

REO staff were not alert and meticulous enough when drawing up the practical arrangements for the Election and dealing with the problems popped up on the polling day. The deficiency in the tests conducted on the capacity of the new GC ballot box and IVRS, the reaction of the subject Helpdesk in CCC when facing calls from a number of polling stations for additional GC ballot boxes only a few hours after the commencement of the poll, and the errors in the Operation Manual are good examples. In addition, even when the shortage of GC ballot boxes had been confirmed as a widespread problem and had in fact been developed into a crisis, neither the CEO nor EAC members were alerted of the severity and urgency of the problem though obviously the extent and nature of the problem did call for immediate attention from the higher level.

4.10 Some REO staff may treat the planning and conduct of elections as routine event management duties and are not aware of the significance and sensitivity of the operation that they are handling. To conclude, we consider that the mindset of REO staff should be changed to appreciate that a poll needs to be run as a military operation requiring meticulous planning, adequate preparation beforehand and execution with precision.

*Conclusion No.6 – Set-up of CCC not adequate to cope with crisis*

4.11 The current set-up of CCC including the rank of the staff at the supervisory level and its chain of command is not adequate to deal with a widespread problem or a crisis, the effective management of which



requires prompt and high-level decisions and probably close co-ordination with other bodies including relevant policy bureaux and government departments. The current set-up of CCC was only designed to handle normal hiccups on the polling day such as requests for replenishment of electoral equipment or supply of reserve polling staff from a few polling stations at one time, and election-related complaints from candidates/agents/public. Lack of a contingency plan for dealing with such a crisis including a system to escalate the issue to the senior management level and to pool the resources required, and training for CCC staff on crisis management was also a main cause of the chaos. That different teams of CCC were located in different venues including separate floors in HKITEC where the central command post was located was also not conducive to close communication and co-ordination required to handle the crisis on the polling day. To conclude, we consider that the set-up of CCC was not adequate to cope with a crisis.

*Conclusion No.7 – Training of and supervision on polling and counting staff inadequate*

4.12 Although REO had organized a number of briefing/training sessions for the polling and counting staff including those on the election-related legislation and the Guidelines, we are in doubt about its adequacy and effectiveness in view of the complaints and problems arising from the lack of full understanding by the PROs concerned on the electoral procedures and statutory requirements. There were comments from some political parties and ROs that the performance of the PROs was

uneven and that some of the PROs were not familiar even with their roles and duties. In addition, apart from the operational details, we consider that not all PROs were adequately impressed on the need to uphold the key principles of ensuring that the election is held openly, fairly and honestly under all circumstances throughout the polling day. Otherwise, cases such as eviction of candidates/agents from the polling station when it was being converted into a counting station could have been avoided.

4.13 Even if there is a perfect training programme and adequate guidelines and reference materials are provided to the polling and counting staff beforehand, there should still be means to ensure that the electoral procedure and requirements are strictly followed in practice. Under the existing system, REO mainly relied on the polling stations themselves (in particular the PROs) or the 18 DLOs to keep them informed if there were any significant events. There was no close supervision on the actual operation of the polling stations. Apart from the visits made by EAC members accompanied by the senior officials of REO on the polling day, there were no spot checks or on-site inspections on the polling stations.

4.14 To conclude, we consider that the training provided to polling and counting staff is not adequate and totally effective. In addition, there is a need to tighten the supervision over the operation of individual polling stations including performance of polling and counting staff.

*Conclusion No. 8 – Transparency of and public relations on the electoral arrangements inadequate*

4.15 Neither EAC nor REO had taken the initiative to keep the public informed of the progress of the Election on the polling day apart from the voter turnout rate. No announcements or explanations were given on the shortage problem of GC ballot boxes and remedial actions being taken, and EAC's decision to postpone the announcement of the election results pending the completion of the manual verification of the voter turnout figures. All of the three political parties which the Committee has met confirmed that they were not aware of the system failure of IVRS in the compilation of the voter turnout figures on the polling day though some of them had noticed irregularities about the figures. Neither were they aware of EAC's decision to postpone the release of the counting and election results. All of them considered that people had strong reaction partly because they were kept in the dark. Lack of transparency had generated unnecessary suspicion and speculation. To conclude, we consider that the public relations on the practical arrangements on the polling day was not handled properly and the transparency of the electoral process should be further enhanced.

**Recommendations**

4.16 Based on the review of the problems identified, we have drawn up a number of recommendations to improve the election-related system, structure and practices with a view to enabling EAC and REO to better

discharge their statutory duties in the management, planning and conduct of elections. Implementation of some of the recommendations may need to be further examined in view of the financial implications and other considerations, if any.

*Recommendation No.1 – Strengthening the set-up and mode of operation of EAC and REO and the check and balance mechanism*

4.17 The composition of EAC should be strengthened by including people with the related expertise. For example, additional members may be appointed/co-opted from fields like logistics, IT and training. There should also be a mechanism enabling EAC to solicit support and resources required for discharging its statutory duties more effectively. For example, EAC may consider forming different task groups comprising representatives from the related policy bureaux and departments on a need basis. In addition, given that EAC members are appointed on a part-time basis, to effectively discharge its statutory functions, the Commission needs to be supported by a strong REO, especially on the detailed arrangements for an election. Consideration should be given to retain at least the key personnel of REO in their posts for a longer period of time to facilitate accumulation of experience. The posting of the key personnel, in particular the head of the Elections Division, should also be adjusted to tie in with the electoral cycle as far as possible so that an officer would have a chance to assist in the same type of election (in particular a LegCo Election that is larger in scale than a DC Election) before he formally takes up the post. In addition, the

composition of REO should also be strengthened. Apart from staff with good knowledge and experience in management duties, REO is also in need of staff with lateral thinking and expertise in IT so as to enable it to provide better support to EAC in discharging its duties. In this regard, we understand that an Information Technology Management Unit was established in REO on 3 January 2005 to provide professional advice on IT application of the department.

4.18 In order to strengthen the check and balance mechanism between EAC and REO, the line of command and reporting relationship between the two bodies should be formalized instead of relying too much on the informal communication between the EAC Chairman and the CEO. There should be regular formal meetings between the two bodies, and REO should make regular reports to EAC on their work especially in an election year including the practical arrangements for the election. In addition, provided that the independent role of EAC in the conduct and supervision of elections will not be compromised, CAB should be invited to attend EAC/REO meetings and provide advice on, say, operational arrangements of elections as appropriate, since in general, CAB staff should have more relevant experience and knowledge than EAC members in dealing with those detailed logistics issues. The final decision on these issues should of course rest with EAC.

4.19 The check and balance mechanism within REO should also be enhanced. Critical tasks such as the capacity tests on the new GC ballot box and IVRS in the Election should be conducted under close scrutiny.

Close co-ordination and co-operation among different teams of REO is vital in this aspect. In addition, there should also be an effective monitoring and reporting system within REO under which the senior management would have a closer supervision over the work of different teams, especially when a number of time-limited civil service posts and NCSC staff are employed in an election year.

*Recommendation No.2 – Re-organizing the set-up of CCC*

4.20 To ensure a closer supervision over the operation of individual polling stations and to enhance the efficiency in deployment of resources, we consider that the work of CCC should be decentralized with the establishment of sub-centres at the regional and district levels with the assistance of District Offices. In this regard, we consider that the three-tier structure proposed by EAC in its Final Report is worth supporting. Some ROs also proposed in their submissions to set up depots in the 18 districts under the command of the respective District Offices for the replenishment of electoral equipment. In our view, CCC run by REO should remain as the overall in-charge of the practical arrangements on the polling day. Regional and district centres should be set up to co-ordinate the replenishment of supplies and to assist CCC in overseeing the conduct of the poll at the regional and district level respectively. Under the proposed decentralized structure, there should be a reporting system to ensure that any significant issue including a widespread problem or crisis will be escalated from the district centres to the respective regional centres and to CCC as appropriate in good time

for prompt decision and action. We recommend that REO should further liaise with the Home Affairs Department (“HAD”) on this new command structure. It is important to draw up a clear delineation of the roles and responsibilities of REO and HAD (and the District Offices) and enhance the co-operation between the two departments under the new arrangement.

4.21 The physical set-up of CCC should also be reviewed. REO should ensure that the venue to be used is large enough to accommodate all teams of CCC (or at least those critical ones) on the same floor and a spacious Press Centre. In this regard, REO should explore ways to pencil-mark the venue as early as possible. In addition, there should be sufficient provision of all supporting resources including manpower and facilities like telephone lines for the Helpdesks/hotlines and devices to transmit and display/print textual messages.

*Recommendation No.3 – Beefing up the contingency plans*

4.22 The existing contingency plans obviously failed to equip REO to properly deal with the problems occurred on the polling day. The lack of a contingency plan for a widespread shortage of ballot boxes was a major cause of the chaos. REO should thoroughly review the whole electoral process to identify the critical paths/items and then draw up the corresponding contingency plans. For example, in an election, ballot boxes and ballot papers are the most important electoral equipment and it is essential to ensure their adequate supply and security. Take the

provision of ballot boxes, that went wrong in the Election, as an example. A contingency plan for quick replenishment of all ballot boxes (disregarding the reasons for such a need) is required. While it would be unreasonable to order and keep an exceptionally large stock of spare boxes, REO may arrange for the allocation of the old ballot boxes to all emergency depots in advance as reserve for unexpected situations. Similarly, apart from keeping a certain amount of reserve staff at the emergency depots, there should be staff on call for unexpected emergencies. Advance arrangement should also be made with other government departments which have their own vehicle fleets for urgent deployment in case of emergencies.

4.23 For the compilation of voter turnout figures and counting results, no matter which system (including IVRS with the rectification of the design flaw) is adopted, there should be a contingency or fallback plan for compiling the data manually. There should be sufficient staff on call for such purpose.

*Recommendation No.4 – Establishment of an effective reporting system and a crisis management system*

4.24 Since it is impossible to draw up plans for all kinds of contingencies, there should be a system which will enable a prompt response and pooling of resources required even when a crisis arises totally beyond expectation. We recommend that a system should be drawn up under which an emergency task force comprising key personnel



with the necessary authority, e.g. those from EAC, REO and other related government bureaux and departments, could be set up immediately to deal with the crisis. To operate effectively, the crisis management system needs to be supported by an effective reporting system under which issues requiring the senior management's attention would be escalated and reported without delay. There should also be a crisis management team formed by a few officers responsible for deciding when to declare a situation as a crisis and hence trigger the crisis management system.

*Recommendation No.5 – Enhancing staff training and related support*

4.25 Training for REO staff deployed to man the CCC should be enhanced. For those at the supervisory level, training on crisis management should be provided to better equip them to deal with unexpected scenarios or emergencies. For those manning the hotlines or helpdesks, in addition to training on the technical or operational details that fall within their ambit, customer services training is also required. In addition, the awareness of REO staff of the significance of an election and the mission of EAC and REO in ensuring an election is held openly, fairly and honestly should also be enhanced. A more cautious and structured approach should be adopted when handling significant and potentially contentious issues such as dissemination of EAC's decision on the opening of ballot boxes for re-arranging the ballot papers inside on the polling day.

4.26 For polling and counting staff, training on the procedure and statutory requirements should be enhanced. In addition to large-scale briefing sessions, workshops should also be organized to facilitate discussion and in turn understanding of the related procedure and requirements. In this regard, all written training materials and reference documents such as the Operation Manual should be provided to the participants in advance so that they may study the information in advance and raise questions or seek clarifications at the training sessions when necessary. A hotline should also be established to answer enquiries from the polling and counting staff on the procedure and requirements before the polling day. EAC's recommendation of involving the Civil Service Training and Development Institute in the training of polling and counting staff is supported. Consideration may also be given to provide computer-based training as a supplement to the briefing sessions and workshops.

4.27 In addition, the Operation Manual should be revised to ensure that all errors or inconsistencies are removed. The content should also be simplified as far as possible and the Manual should be made more user-friendly. Apart from the technical and operational details, the awareness of the polling and counting staff of the key principles of ensuring that an election is held openly, fairly and honestly, which should be upheld throughout the poll, should be highlighted.

*Recommendation No.6 – Adequate preparation especially before adoption of any new features*

4.28 We consider that the deficiency of the capacity tests, rather than the design of the new GC ballot box or new GC ballot paper, was the crux of the shortage problem. Hence, while agreeing that the new GC ballot paper may facilitate electors in identifying candidates for their choices during the voting process, we have no strong views on whether the same design of the ballot paper and that of the GC ballot box should be adopted in future LegCo elections. The most important thing is that no matter which design is subsequently adopted, capacity tests with the genuine ballot box and papers to be used should be conducted with extreme caution with a separate team to double-check the results. Similarly, testing with the real life situation should be conducted before any system is adopted for the compilation of the voter turnout figures and counting results. The same principle should apply before any new feature is to be adopted. In this regard, that a LegCo Election is much larger in scale and more complicated than a DC Election should be recognized when assessing whether a new feature successfully implemented in a DC Election should be adopted in a LegCo Election.

4.29 In addition, sufficient time should be allowed to do the testing and other preparation work if a new feature is going to be adopted. In this regard, we consider that the time allowed for the development of the IVRS was quite tight. Given such a mission critical communication system, at least nine months should be allowed for system analysis,

design, development, testing, installation and documentation.

4.30 REO should be more meticulous about the planning and preparation of an election. For example, a critical review including on-site inspections should be conducted on all potential venues for use as polling stations. Assistance should be sought from the respective District Offices in the identification of venues and liaison with the venue management.

*Recommendation No.7 – Exploring the feasibility of computerizing the polling and counting process*

4.31 At present, the electoral process, including checking of an elector's identification with the entry in the Final Register, issuing ballot papers and making the corresponding records, and compiling the statistical returns such as the sex and age profile of electors, is quite labour intensive. To improve the efficiency of the process, we suggest further exploring the feasibility of computerizing the process as far as possible. Firstly, the use of Optical Mark Readers, which were used in previous elections, for sorting and counting FC votes is worth exploring. The political parties which the Committee has met were not against the proposal. They in fact supported computerization of the electoral process as far as possible provided that the system(s) to be used was fully tested in advance.

4.32 For the polling process, since the Final Register has already been computerized, we consider that further adoption of computer systems in the process is feasible. A system can be developed and implemented so that when an elector turns up at a polling station, the polling staff may simply enter his HKID number in the computer system which can cross-check the Final Register and confirm the eligibility of the elector for both GC and FC elections very quickly. The system is also able to keep and update an account of the voter turnout figures for the GC and each FC of the polling station. Figures compiled in each polling station can be transmitted to a central computer system at pre-designated intervals on a regular basis. Electors' profiles including their sex and age can be retrieved and compiled from the computer system after the poll. Another option is to use a portable electronic device such as Personal Digital Assistants or smart phones at polling stations to enter and record the last serial number of the GC and FC ballot papers issued. The respective voter turnout rates can then be calculated automatically and be transmitted to a central computer system for compilation of the total figures.

4.33 We are aware of the need to examine the financial implications involved and technical difficulties, if any, for installing the required devices in some polling stations. However, we consider that computerization of the electoral process is the right direction for future development and hence worth exploring.

*Recommendation No.8 – Establishment of an inspection system over the operation of polling and counting stations*

4.34 At present, apart from the visits made by EAC members accompanied by the senior officials of REO on the polling day, there were no spot checks or on-site inspections on the operation of the polling and counting stations. In order to ensure that the stipulated electoral procedures and requirements are strictly followed, there should be an inspection team to conduct random checks on the operation of the polling and counting stations and the performance of the polling and counting staff. REO may set up such a team with the assistance of District Offices. The findings may serve as a reference in the future recruitment exercises for polling and counting staff though in this regard we understand from REO that after each election all ROs will be required to conduct an assessment on the PROs of the polling stations in their respective regions, and similarly, PROs are requested to assess the performance of their polling staff.

*Recommendation No.9 – Streamlining the compilation of statistical returns*

4.35 At present, polling staff are required to compile a number of statistical returns and fill in various forms on an hourly basis during the poll. Some forms may duplicate with each other and hence not serve any real function. We suggest that a critical review should be conducted on the statistical returns and forms that polling staff are required to

compile and fill in respectively on the polling day with a view to streamlining the work as far as possible. In conducting the review, REO should bear in mind that the prime function of the polling staff on the polling day should be to ensure that the poll is conducted properly and smoothly. Compilation of statistics other than the voter turnout figures, which serve an important (though only indicative) function in a poll, should be left to later stages, which should be technically feasible based on the electors' HKID numbers.

*Recommendation No.10 – Reviewing the counting and re-counting arrangements*

4.36 All of the three political parties which the Committee has met expressed their support for continuing the counting arrangements adopted in the Election, i.e. the polling-cum-counting arrangement for GC votes and centralized counting for FC votes. We agree that the polling-cum-counting arrangement, if implemented successfully, will speed up the counting process and the announcement of the election results and hence is more desirable. However, if the arrangement will continue to be adopted in future elections, REO should ensure that other supporting arrangements are available. For one thing, there should be separate shifts of staff for the polling and counting duties. In addition, in view of the problems arising from the conversion of a polling station into a counting station in the Election, REO should identify venues with sufficient space for having separate polling and counting areas as far as practicable.

4.37 Under the present arrangement, candidates/agents may request a re-count when the counting result of a polling station is released in the station or the result of the GC as a whole is announced in the Central Counting Station. Counting stations cannot be closed until it is confirmed that there is no request for a re-count. To better utilize the manpower resources, instead of holding up a large number of counting staff at the counting stations, we suggest exploring the feasibility of conducting re-counting in the Central Counting Station for requests raised at the Station (normally for a GC as a whole).

*Recommendation No.11 – Enhancing related civic education for general public and briefing for candidates/agents*

4.38 With the increasing public interest and participation in an election, we recommend that civic education should be enhanced to enable the general public to better understand the significance of an election. They should also be educated to be more tolerant when they are required to queue up for voting which seems to be unavoidable in future elections with the increasing registered electorate and voter turnout rate, and to treasure their right to vote.

4.39 Apart from the general briefing session conducted by the EAC Chairman for all candidates/agents, we suggest that more briefing sessions should be organized for candidates/agents especially the newcomers. Better understanding of the related procedure and



requirements may reduce complaints on the polling day and relieve the workload of the polling and counting staff. In addition, candidate/agents may raise suggestions for improvement on the administrative arrangements or implementation details from their perspective, which are beneficial to the successful conduct of the poll.

*Recommendation No.12 – Regular updates on the progress of the poll*

4.40 Enhancing transparency may reduce unnecessary misunderstanding, suspicion and concern. We suggest that EAC and REO should enhance the transparency of the electoral process by making regular reports on the progress of their work and issues of concern before, on and after the polling day. For example, they may set certain milestones for an election and keep the public informed. They may also inform the public of new major features to be adopted in an election. On the polling day, there should be regular and proactive updates on the progress of the poll, in particular when there are irregularities, instead of taking a passive approach by only reacting to media enquiries or even avoiding the media.

*Recommendation No. 13 – Review of related legislation*

4.41 In view of the concern about the legality of the various stopgap measures adopted in some polling stations because of the shortage of GC ballot boxes, we consider that there is a need to review the related electoral legislation to see whether there is room to enhance the clarity of

the provisions concerned. In this regard, the flexibility required by the authorities concerned (including EAC, REO, and polling/counting staff) for handling unexpected emergency situations should also be taken into account.

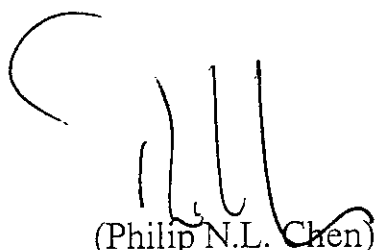
----- End of Report -----

This report is furnished to the Chief Executive of the Hong Kong  
Special Administrative Region on 6 May, 2005.



(Daniel C.W. Tse)

Chairman



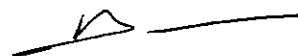
(Philip N.L. Chen)

Member



(Daniel Lai)

Member



(Herbert H.K. Tsoi)

Member

# **ANNEXES**

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**List of organizations/individuals invited to submit their views  
to the Independent Committee of Experts**

**Organizations**

1. Democratic Party
2. Democratic Alliance for Betterment of Hong Kong
3. Liberal Party
4. 民間監察公平選舉委員會
5. 香港民主發展網絡

**Individuals**

(a) Legislative Councillors

60 members of the Legislative Council

(b) Returning Officers

1. Mr Augustine CHOI Chi-wa, Returning Officer of the Kowloon West Geographical Constituency
2. Mr Allan CHOW Shou-shun, Returning Officer of the New Territories West Geographical Constituency
3. Mr Albert LAM Kai-chung, Returning Officer of the Kowloon East Geographical Constituency
4. Mr WONG Hon-ho, Returning Officer of the New Territories East Geographical Constituency
5. Mr Paul WONG Po-wah, Returning Officer of the Hong Kong Island Geographical Constituency
6. Mr Eugene FUNG Kin-yip, Returning Officer of the Social Welfare Functional Constituency

7. Mr Byron LAM Saint-kit, Returning Officer of the Education Functional Constituency
8. Mr Danny LEUNG Shun-yin, Returning Officer of the Accountancy Functional Constituency
9. Mr Jeff LEUNG Wing-yan, Returning Officer of the Health Services Functional Constituency
10. Ms Kinnie WONG Kit-ye, Returning Officer of the Labour Functional Constituency

(c) Presiding Officers

1. Mr Joseph CHAN Kwok-chu, Presiding Officer of LKWFSL Wong Yiu Nam Primary School Polling Station (R3402)
2. Mr CHAN Shiu-kwan, Presiding Officer of Luen Kwong Public School Polling Station (M0802)
3. Mr CHAN Yue-chow, Presiding Officer of S.K.H. Chu Oi Primary School Polling Station (S0601)
4. Mr Kenneth HUI Wing-tak, Presiding Officer of Shek Lei Community Hall Polling Station (S0901)
5. Mr LEE Wing-hong, Presiding Officer of Po Kok Secondary School Polling Station (Q0801)
6. Mr LEUNG Man-fat, Presiding Officer of Chinese YMCA of HK – Chai Wan Centre Polling Station (C3701)
7. Mr LING Cheuk-ye, Presiding Officer of Chi Hong Primary School Polling Station (R0601)
8. Mr David LO Kwok-chung, Presiding Officer of HK & Macau Lutheran Church Primary School Polling Station (Q0401)



9. Mr TSUI Ka-kim, Presiding Officer of Butterfly Bay Community Centre Polling Station (L1801)
  10. Mr WU Yiu-cho, Presiding Officer of St. Rose of Lima's College Polling Station (R3301)
  11. Mr YAN Ping-chi, Presiding Officer of Po Leung Kuk Fung Ching Memorial Primary School Polling Station (Q0601)
- (d) Police Officers who were on duty in the polling stations listed in (c) above on the polling day

Chinese YMCA of HK – Chai Wan Centre (C3701)

1. PC4363
2. SPC14307

Butterfly Bay Community Centre (L1801)

3. PCA809
4. PCA7290
5. WPCA2404

Luen Kwong Public School (M0802)

6. PCA1028
7. WPCA2169
8. PCA2050
9. PCA8504
10. PC2078
11. PC33332

HK & Macau Lutheran Church Primary School (Q0401)

12. SPCA256

Po Leung Kuk Fung Ching Memorial Primary School (Q0601)

13. PCA356
14. PCA840
15. PCA2109
16. PC47485

Po Kok Secondary School (Q0801)

17. PCA968

Chi Hong Primary School (R0601)

18. PCA8095

St. Rose of Lima's College (R3301)

19. WPCA955

20. WPC56877

21. PC52058

LKWFSL Wong Yiu Nam Primary School (R3402)

22. PCA6830

23. PCA8660

24. PCA8342

25. PC33115

S.K.H. Chu Oi Primary School (S0601)

26. PCA1225

27. PCA1384

28. PCA6181

29. PCA991

30. PC1759

31. WPC56816

Shek Lei Community Hall (S0901)

32. PCA4565

(e) Complainants

1. 彭淑儀女士
2. 周賢明先生
3. 徐生雄先生
4. 黃潤達先生
5. 鍾樹根先生
6. 蘇恆泰先生
7. Mr AU Hing-cheung
8. Mr LAI Hon-kit
9. Mr Albert R Xavier

**Sample of the English letter issued to invite submissions from those concerned to the Independent Committee of Experts**

檢討選舉的管理、策劃和進行的獨立專家委員會

**Independent Committee of Experts  
for the Review on the Management, Planning and Conduct of Elections**

本會檔號 OUR REF: ICE 2005/1/2

電話 Tel.: 2529 9142

來函檔號 YOUR REF:

傳真 Fax: 2529 2820

電郵地址 Email:

Dear Sir,

**Invitation for Views**

I, on behalf of the Independent Committee of Experts for the Review on the Management, Planning and Conduct of Elections (“the Committee”), write to seek your views on problems relating to the arrangements for the polling day of the third term Legislative Council (LegCo) Election and proposals on improvement measures.

The Committee is appointed by the Chief Executive to review the management, planning and conduct of elections, and to make recommendations on improvement measures, in view of the public concern on the various problems regarding the arrangements for the LegCo Election held on 12 September 2004. The membership list and terms of reference of the Committee are enclosed for your reference.

The Committee is planning to compile a report to the Chief Executive in about three months and is now gathering information and views from parties concerned. You are invited to provide **by 4 February 2005** any views that your party may have on issues falling within the ambit of the Committee’s work, including problems encountered/identified and improvement proposals.

Written submissions in English or Chinese may be sent to the Secretariat of the Committee by the following means –

By post : Room 3102, 31<sup>st</sup> Floor, United Centre, 95 Queensway,  
Hong Kong

By fax : 2529 2820

By email : [secretariat@expertreview-elections.gov.hk](mailto:secretariat@expertreview-elections.gov.hk)

The Committee will take into account all views received. Please note that the Committee may include extracts from these views in its report and identify the sources unless anonymity is specifically requested.

Yours faithfully,

(Ms Jessie Wong)  
Secretary  
Independent Committee of Experts

**Sample of the newspaper advertisement on the invitation of submissions from the public to the Independent Committee of Experts**

**Invitation of Public Submission to the Independent Committee of Experts for the Review on the Management, Planning and Conduct of Elections**

The Independent Committee of Experts for the Review on the Management, Planning and Conduct of Elections (“Independent Committee of Experts”) invites the public to submit their views in writing on issues that are within the ambit of its work, including problems identified and improvement proposals.

The Independent Committee of Experts was appointed by the Chief Executive on 15 December 2004. The Committee has started work in early January 2005. It is chaired by Dr Daniel TSE Chi-Wai with Mr Philip CHEN Nan-lok, Mr Daniel LAI and Mr Herbert TSOI Hak-kong as members.

The terms of reference of the Independent Committee of Experts are -

Having regard to the reports of the Electoral Affairs Commission (“EAC”) and any further information obtained by the Committee regarding the arrangements for the 2004 Legislative Council election, and in the light of the Committee’s assessment of the management responsibilities for these arrangements -

- (a) to review and advise on how:
  - (i) the Registration and Electoral Office (“REO”) may better support the EAC in carrying out its statutory functions in the conduct and supervision of elections;

- (ii) the REO may better perform its functions in relation to the management, planning and conduct of elections; and
  - (iii) the communication system and other arrangements for the counting of votes and for the reporting, compilation and announcement of polling and counting figures and other relevant matters can be improved, and
- (b) to make such recommendations as it considers necessary for further follow-up action.

The Independent Committee of Experts is planning to compile a report to the Chief Executive in about three months' time.

Written submissions in English or Chinese may be sent to the Secretariat of the Independent Committee of Experts by the following means -

By post : Room 3102, 31<sup>st</sup> Floor, United Centre, 95 Queensway, Hong Kong

By fax : 2529 2820

By email : [secretariat@expertreview-elections.gov.hk](mailto:secretariat@expertreview-elections.gov.hk)

Members of the public are requested to submit their views **by 4 February 2005**. The Independent Committee of Experts will take into account all public views received.

The Independent Committee of Experts may include extracts from these views in its report and identify the sources unless anonymity is specifically requested.

14 January 2005

**List of organizations/individuals that have made submissions  
to the Independent Committee of Experts**

**Organizations**

1. 香港民主發展網絡 - 民間監察公平選舉委員會
2. Democratic Party
3. Democratic Alliance for Betterment of Hong Kong
4. Liberal Party (2 submissions)

**Individuals**

1. The Honourable CHAN Wai-yip
2. The Honourable LAM Wai-keung
3. The Honourable LEONG Kah-kit
4. The Honourable LUI Ming-wah
5. The Honourable Margaret NG
6. The Honourable Howard YOUNG
7. Mr Augustine CHOI Chi-wa, Returning Officer of the Kowloon West Geographical Constituency
8. Mr Allan CHOW Shou-shun, Returning Officer of the New Territories West Geographical Constituency
9. Mr WONG Hon-ho, Returning Officer of the New Territories East Geographical Constituency

10. Mr Paul WONG Po-wah, Returning Officer of the Hong Kong Island Geographical Constituency
11. Mr Byron LAM Saint-ki, Returning Officer of the Education Functional Constituency
12. Mr Jeff LEUNG Wing-ya, Returning Officer of the Health Services Functional Constituency
13. Mr CHAN Shiu-kwan, Presiding Officer of Luen Kwong Public School Polling Station (M0802)
14. Mr LEE Wing-hong, Presiding Officer of Po Kok Secondary School Polling Station (Q0801)
15. Mr LEUNG Man-fat, Presiding Officer of Chinese YMCA of HK – Chai Wan Centre Polling Station (C3701)
16. Mr TSUI Ka-kim, Presiding Officer of Butterfly Bay Community Centre Polling Station (L1801)
17. Mr WU Yiu-cho, Presiding Officer of St Rose of Lima's College Polling Station (R3301)
18. Mr YAN Ping-chi, Presiding Officer of Po Leung Kuk Fung Ching Memorial Primary School Polling Station (Q0601)
19. Police Officer - SPC14307
20. Police Officer - SPCA256
21. Police Officer - PC2078
22. Police Officer - PC33332
23. Police Officer - PC47485
24. Police Officer - WPC56816



25. Police Officer - PCA4565
26. Police Officer - PCA 991
27. Police Officer - PCA 1225
28. Police Officer - WPCA955
29. Mr WONG, a Non Civil Service Contract Staff of the Registration and Electoral Office (the complaint was referred from the Joint Office of the Hon Martin C M Lee and Dr Hon Yeung Sum, Legislative Councillors)
30. – 32. Three individuals have requested for anonymity.

**Organizations/Individuals attending meetings  
with the Independent Committee of Experts**

**Organizations**

1. Democratic Party
2. Democratic Alliance for Betterment of Hong Kong
3. Liberal Party
4. Constitutional Affairs Bureau
5. Electoral Affairs Commission
6. Registration and Electoral Office
7. Continuous Technologies International Limited (vendor for the Interactive Voice Response System)

**Individuals**

1. Mr CHAN Shiu-kwan, Presiding Officer of Luen Kwong Public School Polling Station (M0802)
2. Mr CHAN Yue-chow, Presiding Officer of S.K.H. Chu Oi Primary School Polling Station (S0601)
3. Mr LING Cheuk-ye, Presiding Officer of Chi Hong Primary School Polling Station (R0601)
4. Mr TSUI Ka-kim, Presiding Officer of Butterfly Bay Community Centre Polling Station (L1801)
5. Mr YAN Ping-chi, Presiding Officer of Po Leung Kuk Fung Ching Memorial Primary School Polling Station (Q0601)

**Chronology of events relating to the replenishment  
of ballot boxes on the polling day**

<b>Period</b>	<b>Events</b>
6:30 am to 8:30 am	<p>CCC Helpdesk 2 (manned by 37 REO staff) and the four emergency depots at Quarry Bay, Kowloon Bay, Tai Po and Tuen Mun (manned by 51 REO staff) started operation at 6:30 am. 170 polling staff were also stationed at the four depots as reserve. 43 REO vehicles arrived at the four depots at around 6:30 am.</p> <p>35 vehicles (each with two reserve polling staff and one REO staff) departed from the four depots for delivery of ballot papers to 281 polling stations to increase their stock up to the level of the total registered electorate at around 7:45 am. Three other vehicles had already been deployed to deliver additional polling equipment to polling stations at around 7:30 am. One other vehicle also departed after 7:30 am to deliver polling equipment to polling stations.</p> <p>Throughout the day, the Helpdesk dealt with all kinds of enquiries and requests for polling equipment.</p>
At around 8:30 am	<p>Two requests for additional ballot boxes were received by Helpdesk 2. One request was made by the PRO of polling station T0107 (Mui Wo Sports Centre) at 8:28 am. According to the PRO, the ballot box was full after inserting several dozens of ballot papers. (This polling station was originally provided with two ballot boxes given the small number of registered electors. The voter turnout of the station as at 8:30 am was 40).</p>

The other request was made by the PRO of polling station T0101 (Tai O) at 8:30 am.

8:30 am to  
9:30 am

A REO vehicle with closed road permit for Tung Chung Road departed from the Quarry Bay Depot at around 9:00 am to deliver additional ballot boxes to the two polling stations.

Requests for additional ballot boxes were received from 13 polling stations\*.

As there were still some empty ballot boxes (varying from three to twelve) in these stations, delivery of additional ballot boxes to these stations was not made. The PROs were told to fold the GC ballot papers before issuing them to electors and shake the ballot boxes at regular intervals.

9:30 am to  
10:30 am

14 requests for additional ballot boxes were received\*.

The PROs were asked to inform the Helpdesk again when there were only two ballot boxes left.

CCC arranged a message sent through IVRS at 9:50 am to remind all PROs that the polling staff should fold the GC ballot papers before issuing them to electors. Instructions of the requirement to occasionally shake the ballot boxes and to use rulers or other apt instruments to flatten and press the content through the slot were also given to all polling stations whenever they called the CCC for additional boxes. Delivery of additional ballot boxes was made to some stations.

10:30 am to  
11:30 am

67 requests for additional ballot boxes were received\*.

Only four REO vehicles were immediately available for delivery of additional ballot boxes to polling stations. The Helpdesk started using taxis for urgent deliveries.

Some PROs started to call the Helpdesk repeatedly. Apart from requesting additional ballot boxes, they also enquired about the arrival time of the ballot boxes if urgent deliveries had already been made.

At around 11:15 am, the Helpdesk sought assistance from the Police Liaison Officer stationed at CCC at the Hong Kong International Trade and Exhibition Centre, who agreed to help and started to liaise with various Police districts.

11:30 am to  
12:30 pm

81 requests for additional ballot boxes were received\*.

Similar advice on folding of ballot papers, shaking of ballot boxes and using rulers to press the content of the boxes was given to the stations. Additional ballot boxes were delivered to stations using the second last or last ballot box.

Government Logistics Department's contractor (Dah Chong Hong (Motor Leasing) Limited) was contacted and they agreed to provide four more vans. At 12:00 noon, in consultation with the CEO, CCC decided to have resort to the 1200 old-style white GC ballot boxes kept in the Tuen Mun Depot. The transportation company, 大舊佬, was contacted immediately for deploying three large lorries to take 300 old-style white ballot boxes from the Tuen Mun Depot to each of the other three depots.

At 12:23 pm, the Helpdesk obtained a consolidated list of the number of additional ballot boxes required

by individual polling stations in the Central and Western District from the DLO of the Central and Western District.

(Based on the information collected by REO by way of questionnaire after the election, at least 26 polling stations received additional ballot boxes before 12:45 pm.)

12:30 pm to  
1:30 pm

80 requests for additional ballot boxes were received\*.

Some PROs were making repeated calls. Sometimes, the PRO, DPRO and APRO of a station called the Helpdesk and made the same request.

The four additional vans from the Government Logistics Department's contractor arrived at various depots at around 12:30 pm to 1:00 pm. Some REO vehicles deployed for delivery of ballot papers in the morning returned to various depots. All these vehicles were deployed to deliver additional ballot boxes to polling stations immediately. As in previous periods, priority was given to stations using the second last or last ballot box.

At around 12:45 pm, the Helpdesk asked the remaining 17 DLOs to help provide a consolidated list of the number of additional ballot boxes required by individual polling stations within their respective districts so that the Police in each district would arrange the delivery of additional ballot boxes to the polling stations according to the list.

Three large lorries from 大舊佬 arrived at the Tuen Mun Depot for delivery of 900 old-style white ballot boxes to the other three depots.

1:30 pm to  
2:30 pm

89 requests for additional ballot boxes were received\*.

PROs of stations without urgent needs were advised to wait for the replenishment by the Police. For stations using the last ballot box or located in remote areas (e.g. restricted areas or outlying islands etc), separate delivery by REO vehicles/taxis was made.

From 1:45 pm to 3:50 pm, the 17 DLOs provided the Helpdesk with the consolidated lists of requests for additional ballot boxes. The Helpdesk adjusted some requests immediately having regard to the number of registered electors of the polling stations concerned and the number of ballot boxes that had been allocated to the polling stations beforehand. The Helpdesk then passed the lists to the Police Liaison Officer for onward forwarding to relevant Police Districts for action.

A Police vehicle arrived at the Tai Po Depot at around 2:00 pm and departed with 36 ballot boxes for distribution to the stations in the North District at around 2:30 pm.

Lorries with old-style white ballot boxes departed the Tuen Mun Depot between 1:30 pm and 2:30 pm to the three other depots. One of the three lorries arrived at the Kowloon Bay Depot at around 2:00 pm and the Police vehicles of Yau Tsim Mong and Sham Shui Po districts were already there. Ballot boxes were transferred to the Police vehicles immediately, and all vehicles departed for the delivery at around 3:00 pm.

From 2:30 pm onwards, the Police started the delivery of the old-style white ballot boxes to polling stations from the four depots and had deployed up to 30 vehicles. They had made deliveries to some 450 polling stations throughout the day.

(Based on records kept by the Quarry Bay Depot, Kowloon Bay Depot and Tai Po Depot, a total of 294 additional ballot boxes were delivered to polling stations between 10:30 am and 2:30 pm. However, the records for Tuen Mun Depot were not available because the staff there were busy at arranging for the distribution of the old-style white ballot boxes to the other three depots and dealing with other tasks.)

2:30 pm to  
3:30 pm

48 requests for additional ballot boxes were received\*.

Some PROs called to amend their previous requests while some wanted to know the arrival time of the additional ballot boxes. Urgent delivery of ballot boxes to stations was still made by REO vehicles/taxis.

The lorry with old-style white ballot boxes arrived at the Quarry Bay Depot at around 2:30 pm. Ballot boxes were loaded to the Police vehicles at once, and the last Police vehicle left for the delivery at around 4:00 pm.

The old-style white ballot boxes arrived Tai Po Depot at about 3:00 pm. As staff at the Tai Po Depot and Tuen Mun Store were too busy, no records were kept on when the Police vehicles left for the delivery.

3:30 pm

CEO and members of EAC realized that the situation had got out of hand when they heard of the prolonged queuing of electors at a station in Sheung Wan for want of ballot boxes. CCC on the instructions of EAC, advised all PROs to unlock the front slot of the ballot boxes for ballot papers to be compressed through the slot if necessary.



3:30 pm to  
4:30 pm

42 requests for additional ballot boxes were received\*.

Some PROs called to check the arrival time of the additional ballot boxes. Urgent delivery of ballot boxes to stations was still made by REO vehicles/taxis.

Police vehicles of Kwun Tong, Wong Tai Sin and Kowloon City districts arrived at the Kowloon Bay Depot to collect the old-style white ballot boxes and then departed for delivery between 3:45 pm to 4:30 pm.

At around 4:00 pm, the Helpdesk asked the Tai Po Depot and Quarry Bay Depot to deliver 100 and 35 ballot boxes respectively to the Kowloon Bay Depot which was running out of ballot boxes quickly.

After 4:30 pm

52 requests for additional ballot boxes were received\*.

Urgent delivery of ballot boxes to stations was still made by REO vehicles/taxis.

At around 4:40 pm, EAC instructed PROs to open the back of the ballot boxes for ballot papers to be re-arranged tidily to free up space for more ballot papers if necessary. The opening needed to be done in the presence of candidates/agents/police officers.

As the Tai Po District did not indicate its requirement until around 5 pm, Helpdesk 2 decided to deliver two additional ballot boxes to each station in that District.

At around 5:30 pm, some PROs in Sai Kung District told the Helpdesk that additional ballot boxes had not yet arrived. The Helpdesk immediately requested

the Kwun Tong Police District to help out. Three Police vehicles departed from the Kowloon Bay Depot at around 6:15 pm to distribute ballot boxes to stations in Sai Kung District.

At around 5:30 pm, 620 old-style red ballot boxes and 130 old-style blue ballot boxes stored in the Tuen Mun Depot were delivered to various District Offices for standby service.

- \* The figures were compiled by REO based on available information upon the Committee's request. According to REO, the records were not complete as the situation was hectic on the polling day. Besides, the number of requests included repeated calls but the number concerned could not be established based on the available information.

**2004 Legislative Council Election**  
**Hourly Return on Age and Sex Profile of Electors**

*(to be completed by Polling Officer (PO) at each issuing desk)*

**P(16)**

**Page 1 of 4**

Name of Polling Station: \_\_\_\_\_

Polling Station Code: \_\_\_\_\_

Issuing Desk Number: \_\_\_\_\_

C/F Sub-total for 7:30-11:15	Number of Male Electors ( Please mark a "正" for every 5 electors)				Age Group ( Month/Year of Birth )	Number of Female Electors ( Please mark a "正" for every 5 electors )				C/F Sub-total for 7:30-11:15
	10:15 -11:15	9:15 -10:15	8:15 -9:15	7:30 -8:15		7:30 -8:15	8:15 -9:15	9:15 -10:15	10:15 -11:15	
					7/1933 or before					
					8/1933 - 7/1938					
					8/1938 - 7/1943					
					8/1943 - 7/1948					
					8/1948 - 7/1953					
					8/1953 - 7/1958					
					8/1958 - 7/1963					
					8/1963 - 7/1968					
					8/1968 - 7/1973					
					8/1973 - 7/1978					
					8/1978 - 7/1983					
					*8/1983 - 25/7/1986					
					<b>Hourly Voter Turnout Total</b>					

Copy to  
Page 2

Copy to  
Page 2

\* Young Electors

Signature of PO: \_\_\_\_\_

Name of PO: \_\_\_\_\_

**Report to Assistant Presiding Officer  
(Statistics) Hourly**

2004 Legislative Council Election

**Hourly Control Sheet on Ballot Papers (GC) Issued by Polling Officers**

(to be completed by Polling Officer (PO) for each Issuing Desk)

Name of Polling Station : \_\_\_\_\_

Polling Station Code: \_\_\_\_\_

Name and code of GC : \_\_\_\_\_

Issuing Desk Number : \_\_\_\_\_

Time	No. of Ballot Papers in Hand at the Beginning of the Period (B/F from the previous hour)			No. of Ballot Papers Received from PRO During the Period			No. of Ballot Papers Left at the End of the Period (C/F to the next hour)			No. of Ballot Papers Issued to Electors During the Hour (K)=(C)+(F)-(J)
	Serial Numbers		Quantity (C)=(B)-(A)+1	Serial Numbers		Quantity (F)=(E)-(D)+1	Serial Numbers		Quantity (J)=(H)-(G)+1	
	From (A)	To (B)		From (D)	To (E)		From (G)	To (H)		
7:30 am - 8:15 am	<i>Please DO NOT write in this cell</i>									
8:15 am - 9:15 am										
9:15 am - 10:15 am										
10:15 am - 11:15 am										
11:15 am - 12:15 pm										
12:15 pm - 1:15 pm										
1:15 pm - 2:15 pm										
2:15 pm - 3:15 pm										
3:15 pm - 4:15 pm										
4:15 pm - 5:15 pm										
5:15 pm - 6:15 pm										
6:15 pm - 7:15 pm										
7:15 pm - 8:15 pm										
8:15 pm - 9:15 pm										
9:15 pm - 10:30 pm										

Signature of PO: \_\_\_\_\_

Name of PO: \_\_\_\_\_

Date: \_\_\_\_\_

Total :

PRO to copy figures to P(18)(GC) for Geographical Constituency

## 2004 Legislative Council Election Hourly Control Sheet on Ballot Papers (FC) Issued by Polling Officers

*(to be completed by Polling Officer (PO) for each Issuing Desk)*

Name of Polling Station \_\_\_\_\_

Issuing Desk Number : \_\_\_\_\_

Polling Station Code: \_\_\_\_\_

**Sheet 1** of 15

**Time: 7:30 - 8:15**

**Start of Poll**

FC Code	No. of Ballot Papers Issued by Presiding Officer ("PRO") Before Commencement of Poll			No. of Ballot Papers Received from PRO During the Period			No. of Ballot Papers Left at 8:15 (C/F to Sheet 2)			No. of Ballot Papers Issued to Electors During the Hour (K)=(C)+(F)-(J)
	Serial Numbers		Quantity (C)=(B)-(A)+1	Serial Numbers		Quantity (F)=(E)-(D)+1	Serial Numbers		Quantity (J)=(H)-(G)+1	
	From (A)	To (B)		From (D)	To (E)		From (G)	To (H)		
A										
B										
C										
D										
E										
F										
G										
H										
K										
M										
U										
V										
X										
Y										
Z										
CA										
DC										

Signature of PO: \_\_\_\_\_

Name of PO: \_\_\_\_\_

Date: \_\_\_\_\_

**Carry Forward to Sheet 2**

**APRO(S) to copy to P(20)**

FC Code	Name of Functional Constituency	功能界別名稱
A	Education	教育界
B	Legal	法律界
C	Accountancy	會計界
D	Medical	醫學界
E	Health Services	衛生服務界
F	Engineering	工程界
G	Architectural, Surveying and Planning	建築、測量及都市規劃界
H	Labour	勞工界
K	Social Welfare	社會福利界
M	Tourism	旅遊界
U	Financial Services	金融服務界
V	Sports, Performing Arts, Culture and Publication	體育、演藝、文化及出版界
X	Textiles and Garment	紡織及製衣界
Y	Wholesale and Retail	批發及零售界
Z	Information Technology	資訊科技界
CA	Catering	飲食界
DC	District Council	區議會

**2004年立法會選舉**  
**2004 Legislative Council Election**

**每小時投票人數**  
**Hourly Voter Turnout**

投票站名稱

Name of Polling Station: \_\_\_\_\_

投票站編號

Polling Station Code: \_\_\_\_\_

時間 Time	該小時投票人數 Hourly Voter Turnout	累積投票人數 Cumulative Voter Turnout
上午七時三十分至上午八時三十分 7:30 a.m. - 8:30 a.m.		
上午八時三十分至上午九時三十分 8:30 a.m. - 9:30 a.m.		
上午九時三十分至上午十時三十分 9:30 a.m. - 10:30 a.m.		
上午十時三十分至上午十一時三十分 10:30 a.m. - 11:30 a.m.		
上午十一時三十分至下午十二時三十分 11:30 a.m. - 12:30 p.m.		
下午十二時三十分至下午一時三十分 12:30 p.m. - 1:30 p.m.		
下午一時三十分至下午二時三十分 1:30 p.m. - 2:30 p.m.		
下午二時三十分至下午三時三十分 2:30 p.m. - 3:30 p.m.		
下午三時三十分至下午四時三十分 3:30 p.m. - 4:30 p.m.		
下午四時三十分至下午五時三十分 4:30 p.m. - 5:30 p.m.		
下午五時三十分至下午六時三十分 5:30 p.m. - 6:30 p.m.		
下午六時三十分至下午七時三十分 6:30 p.m. - 7:30 p.m.		
下午七時三十分至下午八時三十分 7:30 p.m. - 8:30 p.m.		
下午八時三十分至下午九時三十分 8:30 p.m. - 9:30 p.m.		
下午九時三十分至下午十時三十分 9:30 p.m. - 10:30 p.m.		

編製 Compiled by:

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 投票站主任姓名 Name of Presiding Officer

12.9.2004

---

 日期 Date

**2004 Legislative Council Election**  
**Summary Sheet on Quantity of Ballot Papers Issued by Issuing Desks**

P(20)

(One copy should be completed for each time period)

Name of Polling Station : \_\_\_\_\_

Polling Station Code: \_\_\_\_\_

<b>Sheet 1 of 15</b> <b>Time: 7:30 - 8:15</b>
--

FC Code	1 (White)	2 (Pink)	3 (Bright Orange)	4 (Light Purple)	5 (Creamy Brown)	6 (Yellowish Green)	7 (Light Grey)	8 (Pale Blue)	9 (Pale Liver Brown)	10 (Dark Red)	Name of Functional Constituency	IVRS Code	Hourly Total	Accumulated Total C/F to Next Hour
A											教育界	01		
B											法律界	02		
C											會計界	03		
D											醫學界	04		
E											衛生服務界	05		
F											工程界	06		
G											建築、測量及都市規劃界	07		
H											勞工界	08		
K											社會福利界	09		
M											旅遊界	11		
U											金融服務界	17		
V											體育、演藝、文化及出版界	18		
X											紡織及製衣界	20		
Y											批發及零售界	21		
Z											資訊科技界	22		
CA											飲食界	23		
DC											區議會	24		

Signature of APRO (Statistics): \_\_\_\_\_

Name of APRO (Statistics): \_\_\_\_\_

<b>Report to IVRS</b>
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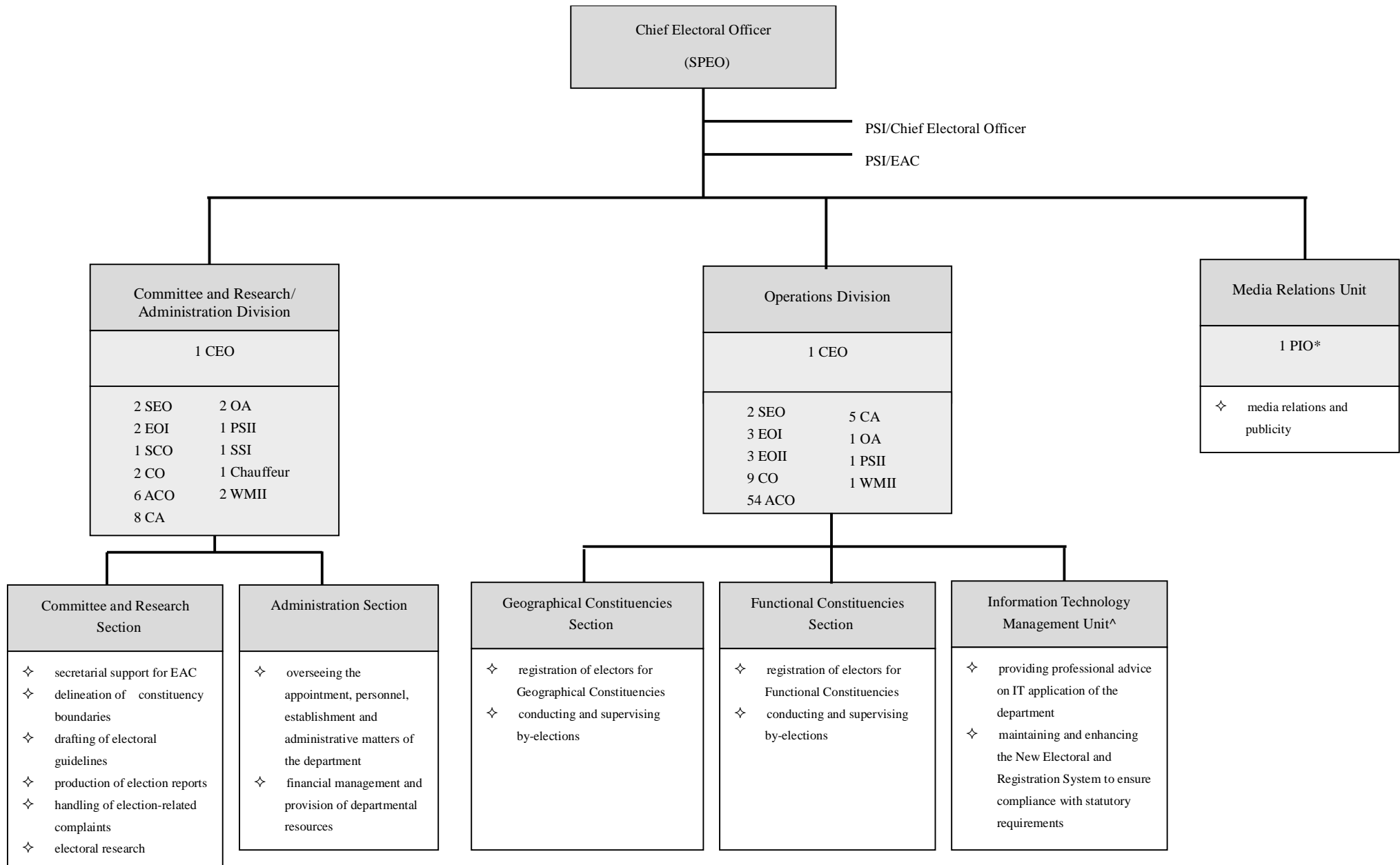
<b>Carry forward to Sheet 2</b>
---



FC Code	IVRS Code	Name of Functional Constituency	功能界別名稱
A	01	Education	教育界
B	02	Legal	法律界
C	03	Accountancy	會計界
D	04	Medical	醫學界
E	05	Health Services	衛生服務界
F	06	Engineering	工程界
G	07	Architectural, Surveying and Planning	建築、測量及都市規劃界
H	08	Labour	勞工界
K	09	Social Welfare	社會福利界
M	11	Tourism	旅遊界
U	17	Financial Services	金融服務界
V	18	Sports, Performing Arts, Culture and Publication	體育、演藝、文化及出版界
X	20	Textiles and Garment	紡織及製衣界
Y	21	Wholesale and Retail	批發及零售界
Z	22	Information Technology	資訊科技界
CA	23	Catering	飲食界
DC	24	District Council	區議會

**Organization Chart of Registration and Electoral Office**

(Non-election Year)



Note : \* On establishment of ISD

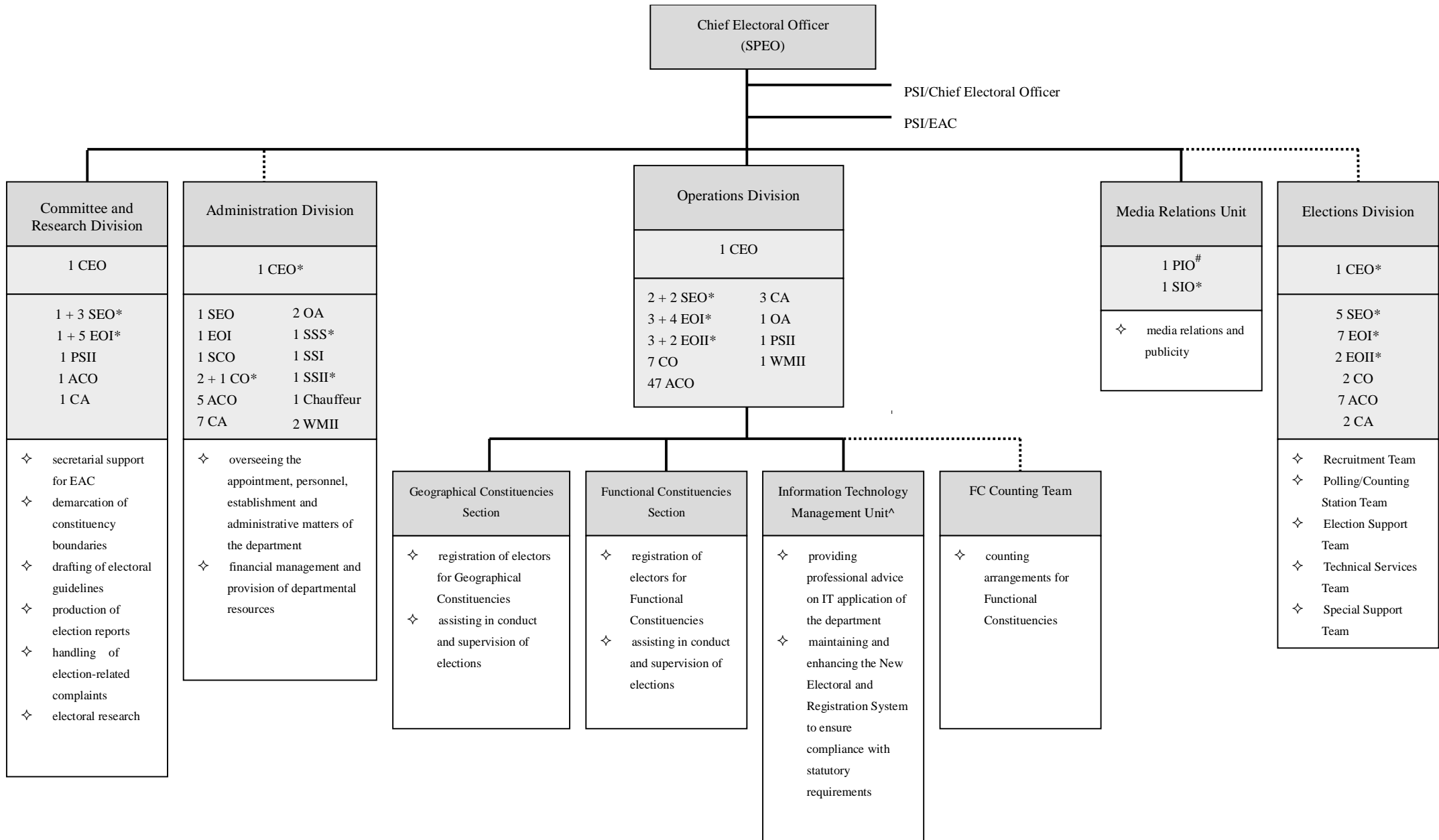
^ Established on 3.1.2005

Legend :

SPEO	Senior Principal Executive Officer
CEO	Chief Executive Officer
SEO	Senior Executive Officer
EOI	Executive Officer I
EOII	Executive Officer II
SCO	Senior Clerical Officer
CO	Clerical Officer
ACO	Assistant Clerical Officer
CA	Clerical Assistant
OA	Office Assistant
PSI	Personal Secretary I
PSII	Personal Secretary II
WMII	Workman II
SSI	Supplies Supervisor I
PIO	Principal Information Officer
EAC	Electoral Affairs Commission
ISD	Information Services Department

**Organization Chart of Registration and Electoral Office**

(Election Year)



Note : \* Time-limited posts created for the 2004 Voter Registration Drive and 2004 LegCo Election

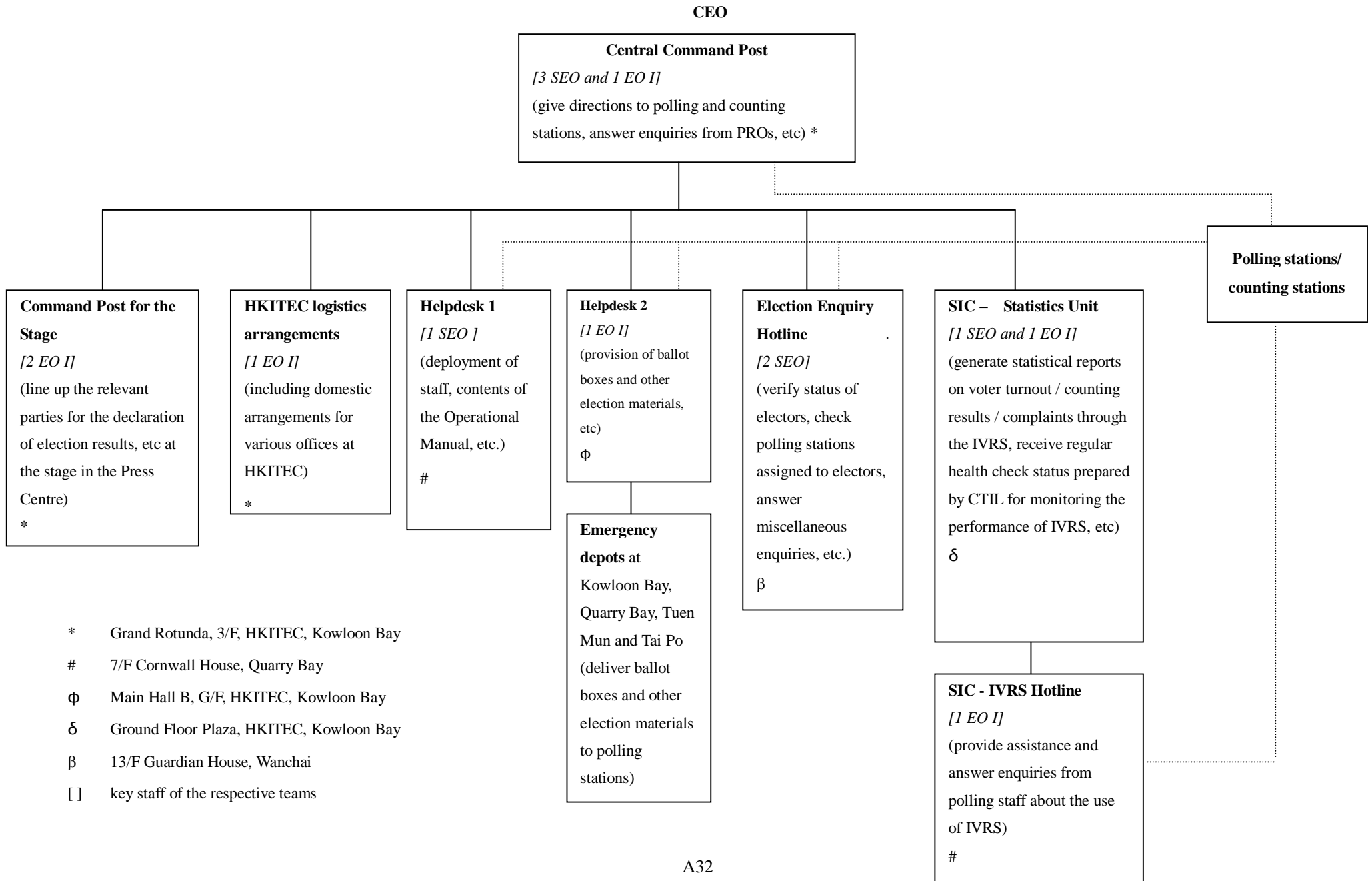
# On establishment of ISD

^ Established on 3.1.2005

Legend :

SPEO	Senior Principal Executive Officer
CEO	Chief Executive Officer
SEO	Senior Executive Officer
EOI	Executive Officer I
EOII	Executive Officer II
SCO	Senior Clerical Officer
CO	Clerical Officer
ACO	Assistant Clerical Officer
CA	Clerical Assistant
OA	Office Assistant
PSI	Personal Secretary I
PSII	Personal Secretary II
WMII	Workman II
SSI	Supplies Supervisor I
PIO	Principal Information Officer
EAC	Electoral Affairs Commission
ISD	Information Services Department

**Organisation of the Central Command Centre**



Legend :

CEO	Chief Executive Officer
SEO	Senior Executive Officer
EO I	Executive Officer I
CTIL	Continuous Technologies International Limited
HKITEC	Hong Kong International Trade and Exhibition Centre
IVRS	Interactive Voice Response System
PROs	Presiding Officers
SIC	Statistical Information Centre